

FILED

SEP 05 2013

SONYA KRASKI
COUNTY CLERK
SNOHOMISH CO. WASH.

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SEP 10 2013

PUBLIC DISCLOSURE
SECTION

Superior Court of Washington
County of SNOHOMISH

HEATHER AXTMAN, DEREK ANDERSON,
et al.,

Plaintiffs,

vs.

PHIL MOCEK, MICHAEL MORISY,
MITCHELL KOTLER, AND
MUCKROCK.COM, and

STATE OF WASHINGTON AND
WASHINGTON STATE PATROL,

Defendants.

No. 13 2 07242 2

Proposed
Temporary Order
(MTAF)

(Clerk's Action Required)

Next Hearing Date and Time:

Civil Motion's Judge's Calendar
at 9:30 am
December 5, 2013

I. Basis

The court has considered Plaintiffs' motion and declaration requesting an emergency temporary enjoinder against the State of Washington/Washington State Patrol regarding the release of GPS data that corresponds to the residential addresses of WSP employees and requesting a finding that these Plaintiffs have standing to pursue an enjoinder on behalf of every WSP employee who is the subject of the Phil Mocek/MuckRock.com Public Records request of July 10, 2013.

Temporary Order

II. Findings

Based on the motion and declaration, the court *Finds* that

2.1 The Plaintiffs have met the burden of proof necessary for the Court to grant an emergency temporary enjoinder against the State of Washington/Washington State Patrol with regard to the release of GPS data related to residential addresses.

2.2 The Plaintiffs have standing to pursue an enjoinder on behalf of all WSP employees who are the subject of the July 10, 2013 Public Records request made by Phil Mocek/MuckRock.com

III. Order

It is Ordered:

3.1 The State of Washington/Washington State Patrol is directed to withhold the GPS coordinates from which WSP employees' home addresses can be readily determined.

(a) The coordinates related to the home address will include a 100 yard radius of the actual home address so as to ensure the inclusion of employees who park in driveways, unattached garages, the street and/or apartment complex parking lots.

3.2 The GPS data that is collected during the first and last thirty (30) minutes of the employees' shifts is to be withheld unless there is a status change (indicating the employee is no longer merely traveling to or from home).

3.3 OTHER: _____

Dated: 9/5/13

/s/ David Patterson/
Judge/Commissioner

Temporary Order

1 Presented by:

2
3 Karen Schweigert
4 Karen Schweigert, WSBA 35642
Attorney for Plaintiffs

5 Approved for Entry:

6 ROBERT W. FERGUSON
7 Attorney General

8 Available to appear via telephone
9 but not called
Shelley Williams, WSBA 35035
10 Assistant Attorney General
Attorneys for the Washington State Patrol
11 and the State of Washington
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Temporary Order

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PUBLIC DISCLOSURE
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**Superior Court of Washington
County of Snohomish**

In re:

HEATHER AXTMAN, DEREK ANDERSON,
et al.,

Plaintiffs,

vs.

PHIL MOCEK, MICHAEL MORISY,
MITCHELL KOTLER, AND
MUCKROCK.COM, and

STATE OF WASHINGTON AND
WASHINGTON STATE PATROL,

Defendants.

No. **13** 2 U7242 2

~~Proposed~~

**Order Allowing Service
By Mail
(ORRSR)**

I. Basis

The court has considered Plaintiffs' motion and declaration requesting an order allowing service of the summons and petition/motion for enjoinder, and temporary order by mail.

II. Findings

Based on the motion and declaration, the court ***Finds*** that the summons and petition/motions for enjoinder and temporary order in this matter should be served on Phil Mocek, Michael Morisy,

Mitchell Kotler and MuckRock.com/MuckRock News/MuckRock LLC by mail in accordance with RCW 4.28.100(2), CR 4(d)(4).

III. Order

It is Ordered:

- 3.1 The summons, petition/motions for enjoinder and temporary shall be served on the nonmoving party by mail by a person 18 years of age or over and competent to be a witness but not the moving party.
- 3.2 Two (2) copies shall be mailed postage prepaid, one by ordinary first class mail, and the other by certified mail, return receipt requested, showing when, and to whom, delivered, each showing a return address for the sender or an address through which correspondence may be directed to the sender.
- 3.3 The mailings shall be sent to the following addresses:

MuckRock LLC, 135 Morrissey Blvd, Boston, MA 02205

MuckRock News, DEPT MR 6216, PO Box 55819, Boston, MA 02205-5819
- 3.4 These addresses are:

The business address for MuckRock LLC and the address provided in the Public Records request.
- 3.5 The person mailing the summons and petition shall complete a Return of Service form.

Dated: 9/5/13 // David Patterson //
Judge/Commissioner

Presented by:

Karen Schweigert
Karen Schweigert, WSBA 35642
Attorney for Plaintiffs

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PUBLIC DISCLOSURE
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SONYA KRASKI
COUNTY CLERK
SNOHOMISH CO. WASH.

Superior Court of Washington
County of SNOHOMISH

In re:

HEATHER AXTMAN, DEREK ANDERSON,
et al.,

Plaintiffs,

vs.

PHIL MOCEK, MICHAEL MORISY,
MITCHELL KOTLER, AND
MUCKROCK.COM, and

STATE OF WASHINGTON AND
WASHINGTON STATE PATROL,

Defendants.

No. 13 2 07242 2

Motion for
Temporary Order
(MTAF)

I. Motion

Based on the files and records herein, the undersigned moves the court for a temporary order which:

1. Finds that the Plaintiffs' have standing to pursue an enjoinder on behalf of every WSP employee who was included in the Phil Mocek/MuckRock.com/MuckRock News Public Records request; and

Motion for Temporary Order

Page 1 of 3

Karen Schweigert
Attorney at Law
POB 30727
Spokane, WA 99223
(509) 795-9898

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2. Enjoins the State of Washington/Washington State Patrol from disseminating GPS records that discloses the actual location of employees' homes by requiring the WSP redact the data the reflects GPS coordinates that are within 100 yards of the employees' homes, and redact the data for the first thirty and last thirty minutes of the employees' shift unless there is a status change (an indication the employee is no longer simply traveling to or from his/her home.

8

II. Declaration

9
Emergency temporary relief is required because:

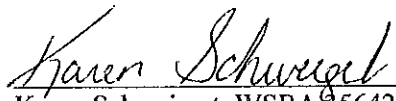
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1. The WSP received a Public Records request via email from Phil Mocek of MuckRock News/MuckRock.com on or about July 10, 2012 that requested the disclosure of GPS data of in excess of 500 employees of the Washington State Patrol. (See, Plaintiff's Petition for Enjoinder at Exhibit A, page 3.)
 2. This data will include the GPS coordinates of the WSP employees' home addresses. (See Petition at Exhibit C.)
 3. Absent an Emergency Temporary Enjoinder, the State of Washington/Washington State Patrol will release complete GPS records regarding more than 500 employees on September 12, 2013. (See, Petition for Enjoinder at Exhibit A, page 1.) Absent an emergency temporary order, the location of Heather Axtman's house and the location of more than 500 other employees of the WSP will be disclosed before this matter has an opportunity to be heard and decided by a Superior Court Judge.
 4. Trooper Axtman was the subject of a March 4, 2013 Public Records request for GPS data that would have disclosed the coordinates of her home. Trooper Axtman filed a Motion for Enjoinder in Snohomish County Superior Court, Cause Number 13-2-04107-1 asking the Court to enjoin the WSP "from releasing unredacted GPS data that shows or tends to show the geographic location of this or any other trooper's residence."
 5. The State of Washington/WSA appeared through Assistant Attorney General Shelley A. William. The State acknowledged that Trooper Axtman had "expressed valid personal and

1 policy concerns regarding the release of GPS data” that corresponded to her residential
2 address and took a “neutral position” with regard to her request for an enjoinder. (See, WSP
3 Response to Motion for Enjoinder, Cause No. 13-2-04107-1, May 6, 2013 at pages 10, line
4 15 and page 14, line 13.)

- 5 6. In an Order signed by Snohomish County Judge, The Honorable Janice E. Ellis on May 9,
6 2013 under Cause Number 13-2-04107-1, the Court found that Trooper Axtman met the
7 burden of proof necessary to grant an enjoinder on her behalf and granted an enjoinder on the
8 release of the GPS data “from which her home address could readily be determined.” The
9 Court found that Trooper Axtman did not have standing/had not presented sufficient facts to
10 receive an enjoinder on behalf of other WSP employees. (A true and correct copy of that
11 Order is attached at Exhibit A.)
- 12 7. Although the number of employees impacted by the Public Records request has dramatically
13 increased in the present case as compared to the March 4, 2013 request, the facts and
14 circumstances are virtually identical. The Plaintiffs have a good faith basis to believe they
15 will be entitled to the relief accorded by this Court to Trooper Axtman on May 9, 2013 so
16 their request for an emergency temporary enjoinder is reasonable and necessary to avoid
17 irreparable harm.
- 18 8. Additionally, the Public Records request asks for data about employees from across the
19 entire State. The Plaintiffs have submitted declarations of support from WSP employees
20 from across the State. For the purpose of promoting judicial economy and efficiency, the
21 Snohomish County WSP employees should be found to have standing to pursue an enjoinder
22 on behalf of all of the WSP employees who are the subject of the July 10, 2013 Public
23 Records request.

24 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true
25 and correct.

26 Signed at (city) Everett, Washington on September 5, 2013.


Karen Schweigert, WSBA 35642
Attorney for Plaintiffs

Motion for Temporary Order

EXHIBIT A

FILED

MAY 09 2013

SONYA KRASKI
COUNTY CLERK
SNOHOMISH CO. WASH.

**SUPERIOR COURT OF WASHINGTON
FOR SNOHOMISH COUNTY**

HEATHER AXTMAN,

No. 13-2-04107-1

Plaintiff,

**ORDER GRANTING MOTION
FOR ENJOINER IN PART AND
DENYING MOTION IN PART**

v.

JOHN ROBINSON, THE WASHINGTON
STATE PATROL, and THE STATE OF
WASHINGTON,

Defendants.

THIS MATTER came on regularly for hearing on Plaintiff's Motion for Enjoiner of Disclosure of Public Records. Plaintiff seeks an Order enjoining the Washington State Patrol (hereinafter "WSP") "from releasing unredacted GPS data that shows or tends to show the geographic location of this or any other trooper's personal residence." Motion and Memorandum for Enjoiner; Docket No. 12, p. 1, lines 18-19.

The Plaintiff appeared by and through her attorney, Karen Schweigert; Defendant John Robinson did not appear; and Defendants WSP and the State of Washington appeared by and through Assistant Attorney General Shelley Williams. The Court reviewed the court file, heard the arguments made at the May 9, 2013 hearing, and received and considered the following

ORDER GRANTING MOTION
FOR ENJOINER IN PART AND
DENYING MOTION IN PART

Page 1

Snohomish County Superior Court
3000 Rockefeller Ave.
Everett, WA 98201
Dept. 11 Phone No. (425) 388-3039
Dept. 11 Fax No. (425) 388-3110

1 documents: Petition for an Order for Protection – Harassment and to Enjoin Disclosure (Docket
2 No. 1 and Docket No. 6); Reissuance of Temporary Order for Protection (Docket No. 7); Motion
3 and Memorandum for Enjoinder (Docket No. 12); Washington State Patrol's Response to
4 Motion for Enjoinder (dated May 6, 2013), with accompanying Exhibits (Exhibit A: Declaration
5 of James Hill, dated 4/25/13; Exhibit B: Declaration of Wesley H. Rethwill, dated 4/24/13 (with
6 Attachments 1 and 2); Exhibit C: Declaration of Roy Marsh, dated April 24, 2013; Exhibit D:
7 Declaration of Gretchen Dolan (with Attachments 1–10); and Exhibit E: Final Legislative Report
8 for the 1987 Regular and Special Sessions of the Washington State Legislature). Based on the
9 foregoing, the Court enters the Findings of Fact and Conclusions of Law that follow.

10 I. FINDINGS OF FACT

- 11 1. On or about March 4, 2013, the WSP received a public records request from a Mr.
12 John Robinson. The request asked for “an emailed document of Trooper Heather
13 Axtman badge number 333 vehicle GPS locations for 2/27/13 and 3/1/13.”
14
15 2. The responsive record is a spreadsheet that includes columns for the date, time,
16 address, and latitude and longitude coordinates (GPS data) that appears to correspond
17 to Trooper Axtman's residential address. Dolan Declaration, ¶ 6. Approximately
18 eight rows on the spreadsheet contain either GPS coordinates or a generalized
19 physical address for Trooper Axtman's residence. Dolan Declaration, ¶ 7. This
20 information can be easily and readily translated into Trooper Axtman's home address.
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1 Dolan Declaration, ¶ 8. The responsive record contains additional information which
2 is not the subject of Trooper Axtman's Motion for Enjoinder.¹

3 3. Trooper Axtman objects to the release of her home address. When notified that a Mr.
4 Robinson filed a request for information under the Public Records Act that, in part,
5 obligates the WSP to produce the GPS coordinates of her residence, Ms. Axtman
6 filed a timely Motion to Enjoin the WSP from releasing that information.

7 4. Trooper Axtman sought protection both through the Motion for Enjoinder and
8 through an Anti-Harassment Order. Trooper Axtman's filings demonstrate that she
9 took these steps for a variety of reasons: as a law enforcement officer with general
10 law enforcement jurisdiction authority, she takes precautions to maintain her personal
11 safety and the safety of her family; she does not know Mr. Robinson; when she
12 researched his name it returned to an individual who is incarcerated for murder; she
13 cannot identify a legitimate reason why any citizen would need her home address for
14 any legitimate purpose; she is concerned that the requestor is using a fictitious
15 identity, which further heightens her concern for her personal safety and the safety of
16 her family. Petition for Order for Protection – Harassment and to Enjoin Disclosure
17 (Docket No. 1 and 6); Motion for Entry of Anti-Harassment Order and Order
18 Enjoining Disclosure (Docket No. 2).

19
20 5. In particular, Trooper Axtman represented in a Declaration dated April 11, 2013, that
21 "[t]he fact that a person unknown to me is requesting information that would
22 undecidedly [sic] give him the address of my residence is frightening to me and can
23

24 ¹ The WSP acknowledges that the information that is not the subject of Trooper Axtman's Motion is disclosable and will be
25 provided to the requestor under the Public Records Act. The Court presumes this includes everything other than the eight
columns of information discussed in this Finding of Fact.

1 have no legitimate purpose except to harass me I was so frightened, alarmed and
2 emotionally distressed [by the prospect that my home address would be disclosed to
3 the requestor] that I paid \$360.00 to upgrade my residential alarm system. My step-
4 daughters reside with my husband and myself throughout the entire summer,
5 Christmas and Spring breaks. I am terrified that something will happen to them or to
6 my husband and myself or to one of our neighbors at the hands of respondent John
7 Robinson. While it is true that I am a Washington State Trooper, I am also a person
8 and I have never been so terrified in my entire life. I fear for my safety and that of
9 my family.” Docket No. 1, at 3; Docket No. 6, at 3.

- 10 6. A Temporary Anti-Harassment Order was authorized on April 11, 2013, and was later
11 extended to May 9, 2013. The Temporary Orders enjoin the WSP from providing
12 Mr. Robinson with Trooper Axtman’s home GPS coordinates. The initial Order
13 directs Mr. Robinson to appear and show cause why a one-year Anti-Harassment
14 Order should not enter.
- 15 7. Trooper Axtman and the WSP expended significant efforts to serve Mr. Robinson
16 with the Anti-Harassment Orders, to keep him apprised of the progress of his request
17 under the Public Records Act, and to give him actual notice of the May 9th hearing.
18 Those efforts included obtaining court authorization to serve Mr. Robinson by mail.
19 Through efforts to reach Mr. Robinson in-person, by mail, and by phone, Trooper
20 Axtman and the WSP obtained substantial evidence that the mailing address that Mr.
21 Robinson provided in his request is not his real address; that the mailing address is
22 commercial property; that Mr. Robinson has no known connection with the mailing
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1 address; that the phone number he represented to be his phone number belongs to a
2 Mexican restaurant; that Mr. Robinson has no known connection with the Mexican
3 restaurant; and that the email address provided by Mr. Robinson began rejecting
4 communications from the WSP on or about April 18, 2013.

5 II. CONCLUSIONS OF LAW

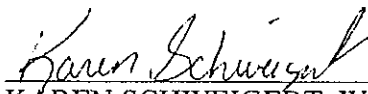
- 6 1. Trooper Axtman has met the burden of proof necessary for the Court to grant her
7 Motion for Enjoinder in part. *Ames v. City of Fircrest*, 71 Wn. App. 284, 857 P.2d
8 1083 (1993).
- 9 2. RCW 42.56.250(3) exempts disclosure of a public employee's home address under
10 the Public Records Act.
- 11 3. The disclosure of the GPS data that corresponds to Trooper Axtman's home address
12 would violate Trooper Axtman's privacy rights and can be deleted from the specific
13 records sought by the requestor. RCW 42.56.210(1).
- 14 4. It would be against the public interest and would substantially damage Trooper
15 Axtman's privacy requests to require disclosure of the GPS coordinates from which
16 her home address could readily be determined. Accordingly, the WSP is directed to
17 withhold that information from its public records response, and this portion of
18 Trooper Axtman's Motion for Enjoinder is GRANTED pursuant to RCW 42.56.540.
19 *Bainbridge Island Police Guild v. City of Puyallup*, 172 Wn.2d 398, 259 P.3d 190
20 (2011); *King County Department of Adult and Juvenile Detention v. Parmelee*, 162
21 Wn. App. 337, 254 P.3d 927 (2011).
- 22
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1 5. To the extent Trooper Axtman's Motion for Enjoinder seeks to preclude the WSP
2 from disclosing personal and/or address information regarding any other member of
3 the Washington State Patrol, Trooper Axtman lacks standing to assert such a claim.
4 The Court also lacks facts sufficient to consider such a request. Accordingly, the
5 remainder of Plaintiff's Motion for Enjoinder is DENIED.

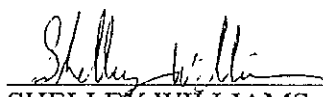
6 Dated this 9th day of May, 2013.

7
8
9 
10 Judge Janice E. Ellis

11 Copy received, approved as to form:

12 
13 KAREN SCHWEIGERT, WSBA #35642
14 Attorney for Heather Axtman

15 ROBERT W. FERGUSON
16 Attorney General

17 
18 SHELLEY WILLIAMS, WSBA #37035
19 Assistant Attorney General
20 Attorneys for the Washington State Patrol
21 and the State of Washington

22 NOT PRESENT
23 JOHN ROBINSON
24 Defendant/Requestor under the Public Records Act, *pro se*

25 ORDER GRANTING MOTION
FOR ENJOINER IN PART AND
DENYING MOTION IN PART
Page 6

Snohomish County Superior Court
3000 Rockefeller Ave.
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**Superior Court of Washington
County of SNOHOMISH**

HEATHER AXTMAN, DEREK ANDERSON,
THOR BOISEN, BRENTON CAMPBELL,
WILLARD COLLIER, DANIEL COMNICK,
SCOTT COOLEY, BRANDON DUMONT,
DANIEL EBERLE, ERIC GOOLD, STUART
GORT, CHRISTOPHER HOOPER, TODD
ISRAEL, RONALD KESSLER, JEFFREY
LEONARD, MATT PRETHER, JAMES
RAMEY, JESSICA SAUCERMAN, TRAVIS
SHEARER, DANIEL SHELBY, MATHEW
SLOAN, ERIC STUBRUD, DENNIS
WOJCIECHOWICZ and BRIAN ZILLMER,

Plaintiff,

vs.

PHIL MOCEK, MICHAEL MORISY,
MITCHELL KOTLER, AND
MUCKROCK.COM, and

STATE OF WASHINGTON AND
WASHINGTON STATE PATROL

Defendants.

No. **13 2 07242 2**
**Petition in Support of
Enjoinder of Release of GPS
Data Corresponding with
Home Addresses**

I. RELIEF REQUESTED

The plaintiffs, employees who are named in the record, on their behalf and as representatives

1 for all of the employees of the Washington State Patrol to whom the record specifically pertains,
2 respectfully requests that the State of Washington and the Washington State Patrol be enjoined from:

- 3
- 4 1) releasing unredacted GPS data that shows or tends to show the geographic location of the
5 WSP employees' home addresses (which should include the coordinates within 100
6 yards of their actual home addresses so as to include those employees who park in
7 driveways, unattached garages, street parking and parking lots (i.e. apartment
8 complexes), ; and
- 9 2) releasing unredacted GPS data collected during the first thirty minutes of the employee's
10 shift and the last thirty minutes of the employee's shift unless there is a status change
11 and/or releasing GPS data reflecting coordinates within five (5) miles of the employee's
12 home at the beginning and the end of the shift.

13 **II. SUPPORT FOR REQUESTED RELIEF**

14 RCW 42.56.540 states that

15 "[t]he examination of any specific public record may be enjoined if, upon motion
16 and affidavit by an agency or its representative or a person who is named in the
17 record or to whom the record specifically pertains, the superior court for the county
18 in which the movant resides or in which the record is maintained, finds that such
19 examination would clearly not be in the public interest and would substantially and
irreparably damage any person, or would substantially and irreparably damage vital
governmental functions."

20 RCW 42.56.230(2) states that personal addresses are exempt from disclosure.

21 RCW 42.56.230(3) states that "personal information" is exempt from disclosure "to the
22 extent that disclosure would violate their right to privacy."

23 "The right of privacy protected by this exemption is equivalent to that protected by the
24 common law of torts." *Columbian Publ'g Co. v. City of Vancouver*, 36 Wn. App. 25, 29, 671 P.2d
25 280 (1983) (citation omitted). A person's right to privacy is violated if the disclosure of the

1 information "(1) [w]ould be highly offensive to a reasonable person, and (2) is not of legitimate
2 concern to the public." RCW 42.56.050. "[B]oth a privacy interest and a lack of legitimate public
3 interest must be present to establish an exemption from public disclosures." *Tacoma Pub. Library*
4 *v. Woessner*, 90 Wn. App 205, 224, 951 P.2d 357 (1998) (citation omitted). Privacy rights are
5 implicated when personal information is published or disseminated, it is highly offensive to a
6 reasonable person, and the matters are not of legitimate concern to the public. See, e.g., *Reid v.*
7 *Pierce County*, 136 Wn.2d 195 (1998).
8

9 Washington courts have not considered whether the public has a legitimate concern in
10 where state property is temporarily located when employees are required to have that property
11 with them when they are home but the PRA specifically exempts the disclosure of an employee's
12 home address. RCW 42.46.230(2). GPS coordinates are more accurate and precise than a
13 residential address.
14

15 III. STATEMENT OF FACTS

- 16 1. Beginning in October 2012, the WSP began to deploy the Premier Mobile Data Computer
17 (PMDC) software in laptop computers. These laptops have the capability to receive Global
18 Positioning System (GPS) coordinates and begin to transmit data the moment an employee
19 signs into service at the start of her/his shift and continues to transmit until the employee signs
20 out of service.
- 21 2. "The laptop's GPS receiver requests data from satellites and transmits the data to the AVL
22 server based on the following variables: (1) the officer's status; (2) the vehicle's velocity; and
23 (3) the distance traveled." Declaration of James J. Hill filed under Cause No. 13-2-04107-1, pg
24 2, para 5.
- 25 3. "When the officer begins his or her shift, the officer signs into service through PMDC on the

1 laptop. During the shift, the officer many change status based on the activity he or she is
2 performing. Id. At para 7.

- 3
- 4 4. On or about March 4, 2013, the WSP received a Public Records request for the GPS data of
5 Trooper Heather Axtman from an individual identifying himself as John Robinson. Trooper
6 Axtman was able to secure an enjoinder of the release of GPS data related to her home address
7 in Snohomish County Superior Court, Cause Number 13-2-04107-1.
- 8 5. On or about August 21, 2013 employees of the Washington State Patrol (including Trooper
9 Axtman) received a notification that the WSP had received a Public Records request from a
10 person identifying himself as "Phil Mocek" on behalf of a company identified as
11 "MuckRock.com" and MockRock News. A true and correct copy of the notification is attached
12 at Exhibit A, p 3.
- 13 6. MockRock is a registered Massachusetts LLC. It has a business address of 135 Morrissey
14 Blvd, Boston, MA 02205 and its managers are identified as Michael Morisy and Mitchell
15 Kotler. See, Exhibit B, Secretary of the Commonwealth of Massachusetts Business Entity
16 Summary for MuckRock, LLC.
- 17 7. The Request asks for GPS data from the individuals identified as Plaintiffs in this action and it
18 requests GPS data about WSP employees who live and work throughout the State of
19 Washington. See, Exhibit A. See also, Exhibit C (Declaration of District 7/Snohomish County
20 troopers) and Exhibits D- J (Declarations of Districts 1-6 and 8 troopers).
- 21 8. The Request includes the data containing the location of the employees' private home.
- 22 9. The GPS data that is collected by and through the patrol cars/sector computers is accurate up to
23 ten feet. See e.g. Exhibit C, para 5.
- 24 10. State Troopers are required to take their department issued vehicles to their personal residences
25

1 when they are off duty. The GPS data for the first and last thirty minutes of their shifts will
2 show the data leading to and from their home addresses and/or the GPS coordinates within a
3 five (5) mile radius the employee's home. See e.g. Id. para 6.
4

5 11. On or about August 21, 2013 WSP employees were advised that, absent a successful request
6 for an enjoinder, the data would be released on September 12, 2013. See, Exhibit A at pg 1.

7 12. The petitioners are employees of the WSP. They reside within Snohomish County. They are
8 also serving as representatives for the out-of-county employees who are named in the request
9 with the consent of those employees (see, e.g. Exhibits C through J) for the purpose of
10 promoting judicial economy and efficiency.

11 13. These employees have not consented to having the location of their private residences released
12 pursuant to the public records request. See, Exhibit C, para 8-9 and Exhibit D-J, para 9-10.
13

14 IV. STATEMENT OF ISSUE

15 The issue presented for resolution by the Court:

16 Whether the Court should enjoin the release of unredacted GPS records from WSP patrol
17 vehicles that show or otherwise disclose the location of the private residences of commissioned
18 members of the WSP.

19 Whether the Court should enjoin the release of GPS records obtained during the first and last
20 thirty minutes of an employee's shift (unless there is a status change) and/or within a five (5) mile
21 radius of the employee's home at the beginning and end of the shift unless there is a status change.

22 V. ARGUMENT

23 This Motion is made pursuant to RCW 42.56.540 which provides in pertinent part:

24 "The examination of any specific public record may be enjoined if,
25 upon motion and affidavit by . . . a person who is named in the
record or to whom the record specifically pertains, the superior

1 court for the county in which the movant resides or in which the
2 record is maintained, finds that such examination would clearly not
3 be in the public interest and would substantially and irreparably
4 damage any person or would substantially and irreparably damage
5 vital government interests.”

6 **A. Disclosure Would Harm Public Interest**

7 Law enforcement is a vital government service as contemplated in RCW 42.56.540, which
8 provides an exemption for the disclosure of information that “would substantially and irreparably
9 damage vital government interests.”

10 The disclosure of the location of the private residences of law enforcement professionals
11 will damage vital government interests. The day-to-day duties of law enforcement officers (LEOs)
12 require that they come into contact with criminal elements. It is imperative that LEOs be able to
13 take appropriate action to investigate /apprehend criminals without the imminent fear that these
14 criminals or their associates will use information provided by their own employer (in this case, the
15 State of Washington) that will easily allow LEOs to be tracked to their homes and families.

16 The current policy of the State of Washington to release completely unredacted GPS data
17 places LEOS in jeopardy.

18 Although not directly on point, *Brown v. Seattle Public Schools* is very relevant. In *Brown*,
19 the School District successfully argued that the mass dissemination of evaluations was not in the
20 public interest, violated privacy interests and would adversely impact vital government functions.
21 *Brown v. Seattle Public Schools*, 71 Wash.App. 613, 860 P.2d 1059 Wash. App. Div. 1 (1993).

22 The *Brown* Court found:

23 “Legitimate public concern is lack here for the same reasons found
24 in Dawson. We specifically recognize these reasons with regard to
25 employees of public education.FN4 As stated in Dawson, the harm
outweighs the public interest in disclosure in cases where a review
reveals that the evaluations do not discuss specific instances of

1 misconduct or public job performance.

2
3 FN4. Disclosure could harm the public interest in efficient
4 government in two ways. First, if public employees were aware that
5 their performance evaluations were freely available to their
6 co-workers, neighbors, the press, and anyone else who cares to
7 make a request under the public disclosure act, **employee morale**
8 **would be seriously undermined, resulting in a reduction of the**
9 **quality of performance.** See, *Ripskis v. Department of Housing &*
10 *Urban Dev.*, 746 F.2d 1, 3 (D.C.Cir. 1984). Second, disclosure
11 could cause even greater harm to the public by making supervisors
12 reluctant to give candid evaluations. See, *Ripskis*, at 3. Trenton
13 Times Corp. (Emphasis added.) See, *Brown* at 619.

14 *Brown* involves educators who did not want their evaluations freely disseminated because
15 such dissemination could result in non-life threatening consequences (like embarrassment). The
16 present case involves potential consequences of a much more serious nature. WSP commissioned
17 employees are concerned for the safety and security of their families and themselves.

18 In *Brown*, the court agreed that the broad dissemination of the evaluations would
19 undermine employee morale which would reduce the quality of performance. The dissemination
20 of the location of the private residences of LEOs will undermine employee morale and is likely to
21 make LEOs reluctant to take enforcement action against the most dangerous of our criminal
22 populations.

23 In *Brown*, the court agreed that broad disclosure would cause "even greater harm to the
24 public" because supervisors would be more reluctant to give honest evaluations. Surely, there is a
25 greater risk posed to the public in having LEOs reluctant to contact criminals out of fear that
criminal will easily be able to obtain their residential information and will then use that
information to retaliate against the LEOs and their families than there is of having educational
supervisors afraid to given an honest performance evaluation to a teacher.

The facts described in the unreported case originating in Spokane County: *State v. Mynatt*,

1 demonstrate LEOs have a reasonable and valid concern that the associates of criminals could
2 retaliate against an arresting officer:
3

4 "After being arrested for suspicion of DUI, [Mynatt] shouted to the
5 officer, 'Your life just changed now, buddy, you're playing with the
6 big boys now.' RP at 22. When asked what he meant by that, Mr.
7 Mynatt stated, 'You figure it out.' RP at 22. He was handcuffed and
8 placed in the patrol vehicle while Officer Swan waited for a tow
9 truck to impound the motorcycle. During this waiting period, Mr.
10 Mynatt warned Officer Swan, 'I am not going to be in jail for too
11 long and when I get out, I am going to pay you a visit.' RP at 23. He
12 also stated, 'My boys will take care of you.' RP at 24. Officer
13 Minchew later testified that he heard these statements and
14 additionally heard Mr. Mynatt state that Mr. Mynatt's friends from
15 the 'Sprague clubhouse' would pay Officer Swan a visit. RP at 69.
16 The officers knew there was a Hell's Angels clubhouse on Sprague."
17 State v. Mynatt, 120 Wash.App. 1040, Not Reported in P.3d, 2004
18 WL 424031 Wash.App. Div 3, 2004.

19 It has always been the intent of the legislature to protect public officials from threats and
20 intimidation. RCW 9A.76.180 protects public servants from threats of harm based on the discharge
21 of their official duties. *State v. Stephenson*, 89 Wn.App. 794, 803, 950 P.2d 38 (1998). This is
22 designed to deter intimidation and threats that lead to corrupt decision making. *Id* at 803-804.
23 This RCW can only be used to attempt to punish those who threaten public officials. It will not
24 protect public employees from the threat or application of violence and no population understands
25 this more fully than do law enforcement professionals. In our post 9/11 world, pre-emptive action
must be taken to protect those who protect the public. Disclosure of the locations of the private
residences of LEOs would harm the public by making LEOs vulnerable and by making them
reluctant to take enforcement action against criminals.

23 B. Purpose of the Washington Public Disclosure Act, RCW 42.17

24 The Washington Public Disclosure Act reflects the belief that the public should have full
25 access to information concerning the workings of the government. *Amren v. City of Dalama*, 131

1 Wash.2d 25, 31, 929 P.2d 389 (1997). This must be balanced against the Washington State
2 Constitution passage: “[G]overnments . . . are established to protect and maintain individual rights.”
3 Const. art. I, Sec. 1. “The purpose of the PDA is to ensure the sovereignty of the people and the
4 accountability of the governmental agencies that serve them.” *Newman v. King County*, 133
5 Wash.2d 565, ___, 947 P.2d 712, ___ (1997). Although citizens have a right to know what their
6 public officers are doing in the discharge of public duties, citizens do **not** have the right to personal
7 and confidential information where that information is not of legitimate concern to the public.
8 (Emphasis added. See, RCW 42.56.230(2).) The purpose of providing open access to information
9 concerning the conduct of government is to give citizens the ability to ensure the government is
10 working for the people.
11

12 There is no question that the GPS data that is compiled while a trooper is on shift is of
13 legitimate concern to the public. No reasonable argument can be made that the location of the
14 private residences of commissioned officers of the Washington State Patrol can be used to gauge
15 the conduct or standards of either the WSP or the individual law enforcement professionals. There
16 is no legitimate reason that the WSP cannot redact the location in which the trooper starts and ends
17 her shift.
18

19 **C. Dissemination of Residential Data of Troopers is not in the Public Interest**

20 The dissemination of the location of the private residences of commissioned employees of
21 the WSP exceeds the legislative intent behind the Washington Public Disclosure Act because there
22 is no legitimate public interest in the location of the private residences of troopers. Further, such
23 dissemination is directly contrary to public interest because it “would substantially and irreparably
24 damage vital government interests.” See, RCW 42.56.540.
25

The PDA mandates full access to public records and information concerning the conduct of

1 government (RCW 42.17.010(11), but the location of the private residences of troopers is not
2 relevant to government conduct. Further, RCW 42.56.230(2) states that personal information for
3 employees of any public agency is exempt from public inspection and copying to the extent that
4 disclosure would violate their right to privacy. To be "legitimate," the public interest must be
5 "reasonable." *Dawson*, 120 Wash.2d at 798, 845 P.2d 995. Some balancing of the public interest
6 in disclosure against the public interest in efficient administration of government is appropriate. *Id.*
7 The purpose of the Act is to keep the public informed so it can control and monitor the
8 government's functioning. *Tiberino v. Spokane County*, 103 Wash.App.680, 13 P.3d 1104
9 Wash.App.Div.3, (2000). Commissioned law enforcement professionals have a heightened need
10 for privacy because of the inherently dangerous nature of this career field. The blanket
11 dissemination of unredacted GPS data that provides the location of the trooper's personal
12 residence is not necessary for citizens to determine whether or not the conduct of law enforcement
13 professionals is appropriate.

14 **D. Dissemination of Residential Data Violates Privacy Rights**

15 GPS coordinates are more accurate and precise than street addresses. The State of
16 Washington must be enjoined from releasing unredacted GPS data that provides the location of
17 troopers' private residences because such dissemination would constitute an impermissible
18 invasion of privacy. See, RCW 42.56.540, *Bainbridge Island Police Guild v. City of Puyallup*, 172
19 Wn.2d 398, 259 P.3d 190(2011), *King County Department of Adult and Juvenile Detention v.*
20 *Parmelee*, 162 Wn.App. 337, 254 P.3d 927 (2011).

21 RCW 42.56.230(2) states that personal addresses are exempt from disclosure and RCW
22 42.56.230(3) states that "personal information" is exempt from disclosure "to the extent that
23 disclosure would violate their right to privacy." The law was enacted before PMDC software was
24
25

1 deployed to WSP employees so the RCW does not specifically address GPS coordinates but it is
2 obviously the intent of the legislation to protect home addresses from disclosure.

3 A person's right of privacy is violated when the disclosure of the information "(1) Would
4 be highly offensive to a reasonable person, and (2) is not of legitimate concern to the public."
5 RCW 42.56.050. The exemption applies to personal information that employees would not
6 normally share with strangers. *Dawson. v. Daly*, 120 Wash.2d 782, 845 P.2d 995 (1993).

7 No reasonable person, let alone a commissioned law enforcement officer, would share
8 his/her home address with a stranger. Being required to disclose one's personal address would be
9 highly offensive to a reasonable person. Residential addresses of commissioned officers are not of
10 legitimate concern to the public.

11
12 RCW 42.56.230(2) very clearly states that personal information is exempt from copying
13 "to the extent that disclosure would violate their right to privacy." Legislative intent to protect
14 public employees from unnecessary and harmful personal disclosures is very clearly demonstrated
15 through RCW 42.56.540 because the legislature widened the list of individuals who could enjoin
16 disclosure to include the individuals directly impacted by the requested disclosure and by requiring
17 that such examination be in the public interest while not substantially and irreparably damaging
18 any person or vital government interests.

19 20 VI. CONCLUSION

21 Under Washington's Act, both a privacy interest and a lack of legitimate public interest
22 must be present to establish this exemption. *Koenig*, 158, Wash.2d 173, 167, 142 P.3d 162 (2006).
23 *Dawson*, 120 Wash.2d at 798, 845 P.2d 995. Personal addresses are exempt from disclosure and
24 "personal information" is exempt from disclosure "to the extent that disclosure would violate
25 (employees') right to privacy." RCW 42.56.230(2) and (3)

Additionally, RCW 42.56.540 provides an exemption for the disclosure of information that “would substantially and irreparably damage vital government interests.”

The plaintiff has established that all three are present with regard to the release of unredacted GPS records. Law enforcement officers, who are already at grave risk of being targeted for revenge/retaliation from the criminal element, should not be placed at greater risk of being identified and located than the average public employee.

The State of Washington must be enjoined from releasing GPS records without first redacting the location of the troopers' private residences. GPS data related to their private residences should include the area with 100 yards of their home addresses (to make certain employees who park in driveways, in unattached garages, in driveways, on the street and/or in apartment parking lots are protected). GPS data compiled in the first and last thirty minutes of the employees' shifts and/or within a five (5) mile radius must also be redacted as this data will display where the employee lives.

Dated this 5th day of September, 2013

Karen Schweigert
Karen Schweigert, WSBA 35642
Attorney for Plaintiffs

EXHIBIT A

JAY INSLEE
Governor



JOHN R. BATISTE
Chief

STATE OF WASHINGTON
WASHINGTON STATE PATROL

PO Box 42631 • Olympia, Washington 98504-2631 • www.wsp.wa.gov

August 21, 2013

SENT ELECTRONICALLY, NOT MAILED

TO: Employees Involved in Pending Disclosure Request
FROM: Ms. Gretchen L. Dolan, Risk Management Division
SUBJECT: Public Disclosure Request for Automatic Vehicle Database (GPS)

The Washington State Patrol (WSP) has received a public records request from Mr. Phil Mocek, with Muckrock.com for a "full and complete database of automatic vehicle (AVL) data in its native electronic format." Mr. Mocek's public records request indicates that he may post the responsive records on the internet.

Since your assigned patrol vehicle is/was equipped with a laptop that has the Premier Mobile Data Computer (PMDC) software, the AVL database may contain the approximate GPS coordinates of your residence.

The WSP understands that you may have concerns regarding the release of this data. However, GPS data is not clearly exempt from public disclosure under RCW 42.56.230(3), RCW 42.56.240(1), or RCW 42.56.250(3), as the GPS data does not qualify in this context as investigative records, a residential address, or personnel records. Accordingly, the WSP is required to release the records in response to this public records request. Additionally, the Public Records Act prohibits a state agency from distinguishing between requestors or denying a request based on the requestor's intended use of the record.

If there is a special circumstance with these records or other statutory reason why they should not be disclosed, please call me to clarify those reasons.

RCW 42.56.540 provides that a person named in the record or to whom the record specifically pertains may ask the superior court to enjoin release of a specific public record. The purpose of this letter is to notify you of the pending disclosure of records and to give you an opportunity to seek to enjoin disclosure of the records under RCW 42.56.540 and the provisions of Article 17.2 of the WSPTA contract. Disclosure will occur after September 12, 2013, absent a superior court order enjoining disclosure.

If you commence an action seeking to enjoin disclosure, please ensure that notice is served on the WSP at this address. Additionally, you should also name the requestor as a party to any action seeking to enjoin disclosure pursuant to Burt v. Department of Corrections, 168 Wn.2d 828, 231 P.3d 191 (2010). If disclosure is not enjoined prior to September 12, 2013, the records described will be disclosed pursuant to the public records request.

If you would like to review the records prior to release, please call me at the below number to schedule an appointment.



Distribution List
Page 2
August 21, 2013

If you have any questions regarding this request, please contact me, WSP Public Records Officer, at (360) 596-4137, in reference to PD-13-1055-0241.

GLD:gld
Enclosures

cc: Trooper Tommie Pillow, WSPTA
Chief John R. Batiste
Captain Jason G. Berry, Commercial Vehicle Division
Assistant Chief Shawn E. Berry, Technical Services Bureau
Captain Michael Dahl, Motor Carrier Safety Division
Assistant Chief Michael DePalma, Commercial Vehicle Enforcement Bureau
Captain Jeffrey DeVere, Human Resource Division
Captain Karen J. De Witt, Wenatchee
Captain Randall Drake, Bellevue
State Fire Marshall Charles M. Duffy, Fire Protection Bureau
Assistant Chief Christopher T. Gundermann, Investigative Services Bureau
Deputy Chief G. Curt Hattell
Bureau Director Larry D. Hebert, Forensic Laboratory Services Bureau
Captain Robert E. Huss, Government and Media Relations
Mr. Marty Knorr, Technical Services Bureau
Captain Marc Lamoreaux, Training Division
Captain Charles P. LeBlanc, Criminal Investigation Division
Captain Terry Liebrecht, Yakima
Captain Travis W. Matheson, Office of Professional Standards
Ms. Dory L. Nicpon, Labor and Policy Office
Captain Kenneth Noland, Tacoma
Captain Christopher D. Old, Bremerton
Captain Jeffrey M. Otis, Spokane
Assistant Chief Ronald Rupke, Field Operations Bureau
Captain Jeffrey Sass, Marysville
Dr. Donald Sorenson, Risk Management Division
Captain Roger D. Wilbur, Special Operations Division
Captain Timothy C. Winchell, Vancouver

On _____ (date) this letter was served upon the above-mentioned employee
by _____ at _____ hours.

From: Webmaster - Pub Rec Reqts
To: Dolan, Gretchen (WSP);
Subject: FW: Freedom of Information Request: Automatic vehicle location database (Washington State Patrol)
Date: Wednesday, July 10, 2013 12:40:07 PM

-----Original Message-----

From: 6216-17854260@requests.muckrock.com [<mailto:6216-17854260@requests.muckrock.com>]
Sent: Wednesday, July 10, 2013 12:29 PM
To: Webmaster - Pub Rec Reqts
Subject: Freedom of Information Request: Automatic vehicle location database (Washington State Patrol)

July 10, 2013
Washington State Patrol
WSP Public Records Manager
PO BOX 42631
OLYMPIA WA 98504-2631

To Whom It May Concern:

Pursuant to RCW Ch. 42.56 (Public Records Act), I hereby request the following records:

Full and complete database of automatic vehicle location (AVL) data in its native electronic format, with related metadata, including database schema.

I also request that, if appropriate, fees be waived as I believe this request is in the public interest. The requested documents will be made available to the general public free of charge as part of the public information service at MuckRock.com, processed by a representative of the news media/press and is made in the process of news gathering and not for commercial usage.

In the event that fees cannot be waived, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 5 business days, as the statute requires.

Sincerely,

Phil Mocek

Filed via MuckRock.com
E-mail (Preferred): 6216-17854260@requests.muckrock.com

For mailed responses, please address (see note):
MuckRock News
DEPT MR 6216
PO Box 55819
Boston, MA 02205-5819

PLEASE NOTE the new address as well as the fact that improperly addressed (i.e., with the requester's name rather than MuckRock News) requests might be returned by the USPS as undeliverable.

Sample GPS Data

Date/Time	Vehicle ID	Call Sign	Unit Status	Incident	Address	Latitude	Longitude	Speed	Heading	Altitude	GPS Time (t Sat Count	Source	Data Age	ALMO	ALM1
12/1/2012 11:06 SP****		SP****	Blank	Not Assigned	1232 - 1257 NE 45th	47.65163	-122.315		0	71	166	19:06:46	3 1 (3D GPS) 2 (Fresh)	No Data	No Data
12/1/2012 11:09 SP****		SP****	Blank	Not Assigned	D - O Eastlake E	47.65364	-122.3197	39	208	57	19:09:46	8 1 (3D GPS) 2 (Fresh)	No Data	No Data	No Data
12/1/2012 11:10 SP****		SP****	U	Not Assigned	D - O Eastlake E	47.65364	-122.3197	39	208	57	19:09:46	8 1 (3D GPS) 2 (Fresh)	No Data	No Data	No Data
12/1/2012 11:10 SP****		SP****	U	Not Assigned	3358 - 3369 Eastlake E	47.65175	-122.3212	0	205	54	19:10:18	8 1 (3D GPS) 2 (Fresh)	No Data	No Data	No Data
12/1/2012 13:25 SP****		SP****	Blank	LSP121201000000	1 - 1.1 N	47.76208	-122.3241	0	18	365	21:23:28	10 3 (3D DGP) 2 (Fresh)	No Data	No Data	No Data
12/1/2012 14:22 SP****		SP****	RC	LSP121201000000	0 - 0 WA-520 W	47.63651	-122.2337	38	105	71	22:21:18	7 1 (3D GPS) 2 (Fresh)	No Data	No Data	No Data
12/1/2012 14:22 SP****		SP****	RC	LSP121201000000	8201 - 8504 NE 28th	47.63546	-122.2273	0	74	39	22:22:26	8 1 (3D GPS) 2 (Fresh)	No Data	No Data	No Data

(**** = Badge #)

Please note: This is a small example of the information captured by the requested GPS database.

EXHIBIT B

[HOME](#)[DIRECTIONS](#)[CONTACT US](#)

Corporations Division

Business Entity Summary

ID Number: 001047009

Summary for: MUCKROCK, LLC

The exact name of the Domestic Limited Liability Company (LLC): MUCKROCK, LLC		
Entity type: Domestic Limited Liability Company (LLC)		
Identification Number: 001047009		
Date of Organization in Massachusetts: 02-22-2011		
Last date certain:		
The location or address where the records are maintained (A PO box is not a valid location or address):		
Address: 135 MORRISSEY BOULEVARD		
City or town, State, Zip code, Country: BOSTON, MA 02205 USA		
The name and address of the Resident Agent:		
Name: MICHAEL MORISY		
Address: 185 BEACON ST. 33		
City or town, State, Zip code, Country: SOMERVILLE, MA 02143 USA		
The name and business address of each Manager:		
Title	Individual name	Address
MANAGER	MICHAEL MORISY	135 MORRISSEY BOULEVARD BOSTON, MA 02205 USA
MANAGER	MITCHELL KOTLER	135 MORRISSEY BOULEVARD BOSTON, MA 02205 USA
In addition to the manager(s), the name and business address of the person(s) authorized to execute documents to be filed with the Corporations Division:		
Title	Individual name	Address
SOC SIGNATORY	MICHAEL MORISY	135 MORRISSEY BOULEVARD BOSTON, MA 02205 USA
SOC SIGNATORY	MITCHELL KOTLER	135 MORRISSEY BOULEVARD BOSTON, MA 02205 USA
The name and business address of the person(s) authorized to execute, acknowledge, deliver, and record any recordable instrument purporting to affect an interest in real property:		
Title	Individual name	Address
REAL PROPERTY	MICHAEL MORISY	135 MORRISSEY BOULEVARD BOSTON, MA 02205 USA
REAL PROPERTY	MITCHELL KOTLER	135 MORRISSEY BOULEVARD BOSTON, MA 02205 USA
<div style="display: flex; justify-content: space-around;"> Consent Confidential Data Merger Allowed Manufacturing </div>		
View filings for this business entity:		
<div style="border: 1px solid black; padding: 5px;"> ALL FILINGS Annual Report Annual Report - Professional Articles of Entity Conversion Certificate of Amendment Certificate of Cancellation </div>		
<input type="button" value="View filings"/>		
Comments or notes associated with this business entity:		

Ex B, pl

EXHIBIT C

1
2
3
4
5 **Superior Court of Washington**
6 **County of SNOHOMISH**

7 **In re:**

8 HEATHER AXTMAN, DEREK ANDERSON,
9 THOR BOISEN, BRENTON CAMPBELL,
10 WILLARD COLLIER, DANIEL COMNICK,
11 SCOTT COOLEY, BRANDON DUMONT,
12 DANIEL EBERLE, ERIC GOOLD, STUART
13 GORT, CHRISTOPHER HOOPER, TODD
14 ISRAEL, RONALD KESSLER, JEFFREY
15 LEONARD, MATT PRETHER, JAMES
16 RAMEY, JESSICA SAUCERMAN, TRAVIS
17 SHEARER, DANIEL SHELBY, MATHEW
18 SLOAN, ERIC STUBRUD, DENNIS
19 WOJCIECHOWICZ and BRIAN ZILLMER,

20 **Plaintiffs,**

21 **vs.**

22 PHIL MOCEK, MICHAEL MORISY,
23 MITCHELL KOTLER, AND
24 MUCKROCK.COM, and

25 STATE OF WASHINGTON AND
WASHINGTON STATE PATROL

Defendants.

No.

**Plaintiffs' Declaration
In Support of Enjoinder**

21 I am competent to testify as to the contents of this declaration and this declaration is offered in
22 support of Plaintiffs' Motion for Temporary Orders and an Enjoinder.
23
24

25 Declaration of Plaintiffs

1. I am a commissioned employee of the Washington State Patrol.
2. I have been a commissioned employee of the WSP for a minimum of three years.
3. My GPS data has been requested in the public records request that prompted the filing of this motion for an enjoinder.
4. Commissioned personnel of the Washington State Patrol are issued a patrol vehicle and are required to park that vehicle at their residences.
5. Patrol vehicles of the Washington State Patrol are equipped with GPS receivers. The GPS software generates a track of the location within ten feet.
6. As a commissioned member of the WSP, I have been issued a patrol vehicle and I am required to park that vehicle at my residence.
7. Although my primary duty station is located in Snohomish County, the statewide, 24/7 mission of the Washington State Patrol necessitates the "take-home car" policy. The facility parked or "pool-car" system employed by municipalities is unworkable across the vast geography of the state. Troopers, myself included, are routinely "called out" for emergency responses during their off-duty hours. The requirement of having a patrol vehicle parked at our residences enables us to respond immediately. Parking our patrol cars at our respective district offices would turn response times from minutes to hours. As a matter of public safety, this is unacceptable.
8. Public disclosure of residence locations as indicated by GPS tracking poses a risk to the safety of commissioned personnel and their families.
9. I find the disclosure of this information highly offensive as defined through RCW 42.56.050. It is not information I would ever disseminate to strangers. See, e.g. *Dawson v. Daly*, 120 Wash.2d 782, 845 P.2d 995 (1993).
10. I do not know of any legitimate reason members of the public would need to know where a trooper lives. I do not know of any legitimate reason why the Washington State Patrol cannot and should not simply redact the GPS coordinates of the troopers' homes before disclosing the remainder of the GPS data pursuant to a Public Records Request.


Declaration of Plaintiffs

Page 2 of 8

Karen Schweigert
Attorney at Law
POB 30727
Spokane, WA 99223
(509) 795-9898

1 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
2 correct.


3 Signed at (city) MARYSVILLE, Washington on August 23, 2013.

4 
5 Signature

DEREK ANDERSON
Printed Name
District 7

6 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
7 correct.


8 Signed at (city) MARYSVILLE, Washington on August 23, 2013.

9 
10 Signature

ERIC GOULD
Printed Name
District 7

11 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
12 correct.


13 Signed at (city) MARYSVILLE, Washington on August 23, 2013.

14 
15 Signature

MATTHEW SLOAN
Printed Name
District 7

16 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
17 correct.


18 Signed at (city) MARYSVILLE, Washington on August 23, 2013.

19 
20 Signature

MATT PRETHER
Printed Name
District 7

21 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
22 correct.

23 Signed at (city) MARYSVILLE, Washington on August 23, 2013.

24 
Signature

STUART GUNT
Printed Name
District 7

25 Declaration of Plaintiffs

1 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
2 correct.

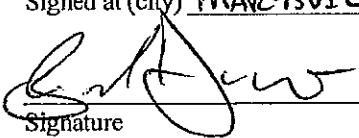
3 Signed at (city) MARYSVILLE, Washington on August 23, 2013.

4 
5 Signature

JESSICA SAUCERMAN
Printed Name
District 7

6 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
7 correct.

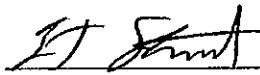
8 Signed at (city) MARYSVILLE, Washington on August 23, 2013.

9 
10 Signature

BRANDON DIZON
Printed Name
District 7

11 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
12 correct.

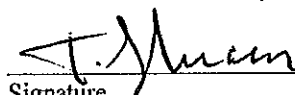
13 Signed at (city) MARYSVILLE, Washington on August 23, 2013.

14 
Signature

EJ STUBAND
Printed Name
District 07

16 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
17 correct.


18 Signed at (city) Marysville, Washington on August 23, 2013.

19 
Signature

Travis Shearer
Printed Name
District 07

20 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
21 correct.

22 Signed at (city) Marysville, Washington on August 23, 2013.

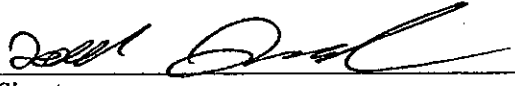
23 
24 Signature

D.M. Eberle
Printed Name
District 07

25 Declaration of Plaintiffs

1 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
2 correct.

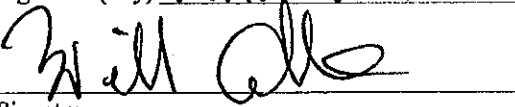
3 Signed at (city) MARYSVILLE, Washington on August 24th, 2013.

4 
5 Signature

TODD ISRAEL
Printed Name
District 7

6 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
7 correct.

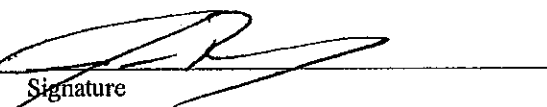
8 Signed at (city) MARYSVILLE, Washington on August 24th, 2013.

9 
10 Signature

Will COLLIER
Printed Name
District 7

11 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
12 correct.

13 Signed at (city) EVERETT, Washington on August 24th, 2013.

14 
Signature

JAMES RAMEY
Printed Name
District 7

15 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
16 correct.

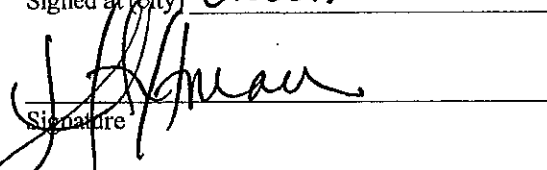
17 Signed at (city) Marysville, Washington on August 24th, 2013.

18 
19 Signature

Brenton Campbell
Printed Name
District 7

20 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
21 correct.

22 Signed at (city) EVERETT, Washington on August 24th, 2013.

23 
24 Signature

Heather Axman
Printed Name
District 7

25 Declaration of Plaintiffs

1 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
2 correct.

3 Signed at (city) MARYSVILLE, Washington on August 26, 2013.

4 [Signature]
5 Signature

DONALD K. COOY
Printed Name
District 7

6 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
7 correct.

8 Signed at (city) MARYSVILLE, Washington on August 26th, 2013.

9 [Signature]
10 Signature

RONALD J. KESSLER
Printed Name
District 7

11 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
12 correct.

13 Signed at (city) MARYSVILLE, Washington on August 27, 2013.

14 [Signature]
15 Signature

CHRISTOPHER J. HOUSER
Printed Name
District 7

16 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
17 correct.

18 Signed at (city) Marysville, Washington on August 27, 2013.

19 [Signature]
20 Signature

Daniel R. Anderson
Printed Name
District 7

21 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
22 correct.

23 Signed at (city) Marysville, Washington on August 27, 2013.

24 [Signature]
25 Signature

Brian Zillmer
Printed Name
District 7

Declaration of Plaintiffs

1 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
2 correct.

3 Signed at (city) Marysville, Washington on August 27, 2013.

4
5 Signature [Signature]

Printed Name Timothy J. Clarke

District 7

6 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
7 correct.

8 Signed at (city) MARYSVILLE, Washington on August 27, 2013.

9
10 Signature [Signature]

Printed Name Daniel P. Connolly

District 7

11 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
12 correct.

13 Signed at (city) MARYSVILLE, Washington on August 28, 2013.

14
15 Signature [Signature]

Printed Name TRAY RIDDINGS

District 7

16 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
17 correct.

18 Signed at (city) Marysville, Washington on August 28, 2013.

19
20 Signature [Signature]

Printed Name Jeffrey Leonard

District 7

21 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
22 correct.

23 Signed at (city) MARYSVILLE, Washington on August 28, 2013.

24
25 Signature [Signature]

Printed Name Scott Cooley

District 7

Declaration of Plaintiffs

1 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
2 correct.

3 Signed at (city) Marysville, Washington on August 28, 2013.

4 [Signature]
5 Signature

Chris Hooper
Printed Name
District 7

6 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
7 correct.

8 Signed at (city) Marysville, Washington on August _____, 2013.

9 [Signature]
10 Signature

DANNY SHELBY
Printed Name
District 7

11 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
12 correct.

13 Signed at (city) MARYSVILLE, Washington on August 29TH, 2013.

14 [Signature] 458
15 Signature

THOR BOISEN 458
Printed Name
District 7

16 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
17 correct.

18 Signed at (city) MARYSVILLE, Washington on August 29, 2013.

19 [Signature]
Signature

DR WOTCIECHOWICZ
Printed Name
District 7

20 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
21 correct.

22 Signed at (city) _____, Washington on August _____, 2013.

23 _____
24 Signature

Printed Name
District _____

25 Declaration of Plaintiffs

EXHIBIT C

1
2
3
4
5 **Superior Court of Washington**
6 **County of SNOHOMISH**

7 **In re:**

8 HEATHER AXTMAN, DEREK ANDERSON,
9 et al.,

10 **Plaintiffs,**

11 **vs.**

12 PHIL MOCEK, MICHAEL MORISY, MITCHELL
13 KOTLER, AND MUCKROCK.COM, and

14 STATE OF WASHINGTON AND
15 WASHINGTON STATE PATROL,

16 **Defendants.**

No.

**Declaration of District 1
Washington State Patrol
Troopers In Support of
Enjoinder**

17 I am competent to testify as to the contents of this declaration and this declaration is offered in
18 support of Plaintiffs' Motion for Temporary Orders and an Enjoinder.

- 19 1. I am a commissioned employee of the Washington State Patrol.
- 20 2. I have been a commissioned employee of the WSP for a minimum of three years.
- 21 3. I am assigned to work in District 1 – Tacoma and am signing this declaration in support of
22 the motion filed in Snohomish County by the District – 7 troopers.
- 23 4. My GPS data has been requested in the public records request that prompted the filing of this
24 motion for an enjoinder.
- 25 5. Commissioned personnel of the Washington State Patrol are issued a patrol vehicle and are
required to park that vehicle at their residences.

Declaration of D1 Troopers

- 1 6. Patrol vehicles of the Washington State Patrol are equipped with GPS receivers. The GPS
2 software generates a track of the location within ten feet.
3
4 7. As a commissioned member of the WSP, I have been issued a patrol vehicle and I am
5 required to park that vehicle at my residence.
6
7 8. Although my primary duty station is located in District 1, the statewide, 24/7 mission of the
8 Washington State Patrol necessitates the "take-home car" policy. The facility parked or
9 "pool-car" system employed by municipalities is unworkable across the vast geography of
10 the state. Troopers, myself included, are routinely "called out" for emergency responses
11 during their off-duty hours. The requirement of having a patrol vehicle parked at our
12 residences enables us to respond immediately. Parking our patrol cars at our respective
13 district offices would turn response times from minutes to hours. As a matter of public
14 safety, this is unacceptable.
15
16 9. Public disclosure of residence locations as indicated by GPS tracking poses a risk to the
17 safety of commissioned personnel and their families.
18
19 10. I find the disclosure of this information highly offensive as defined through RCW 42.56.050.
20 It is not information I would ever disseminate to strangers. See, e.g. *Dawson v. Daly*, 120
21 Wash.2d 782, 845 P.2d 995 (1993).
22
23 11. I do not know of any legitimate reason members of the public would need to know where a
24 trooper lives. I do not know of any legitimate reason why the Washington State Patrol
25 cannot and should not simply redact the GPS coordinates of the troopers' homes before
disclosing the remainder of the GPS data pursuant to a Public Records Request.

Declaration of D1 Troopers

Page 2 of 5

Karen Schweigert
Attorney at Law
POB 30727
Spokane, WA 99223
(509) 795-9898

1 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
2 correct.

3 Signed at (city) TACOMA, Washington on August 28, 2013.

4 Brandon Quigrubin
5 Signature

BRANDON QUIGRUBIN
Printed Name
District 01/03

6 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
7 correct.

8 Signed at (city) TACOMA, Washington on August 28, 2013.

9 Kyle L. Burgess
10 Signature

KYLE L. BURGESS
Printed Name
District 01/03

11 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
12 correct.

13 Signed at (city) TACOMA, Washington on August 28, 2013.

14 Jason M. Crum
15 Signature

JASON M. CRUM
Printed Name
District 01/11

16 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
17 correct.

18 Signed at (city) TACOMA, Washington on August 28, 2013.

19 Larry Bader
Signature

LARRY BADER
Printed Name
District 1/8

20 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
21 correct.

22 Signed at (city) TACOMA, Washington on August 28, 2013.

23 Donald R. Cyprian
24 Signature

DONALD R. CYPRIAN
Printed Name
District 1/3

25 Declaration of D1 Troopers

1 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
2 correct.

3 Signed at (city) TACOMA, Washington on August 25, 2013.

4 [Signature]
5 Signature

MARK WILSON
Printed Name
District 1

6 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
7 correct.

8 Signed at (city) TACOMA, Washington on August 26, 2013.

9 [Signature]
10 Signature

JAMES MELDRUM
Printed Name
District 1

11 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
12 correct.

13 Signed at (city) Tacoma, Washington on August 26, 2013.

14 [Signature]
Signature

Travis Carlton
Printed Name
District 1

16 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
17 correct.

18 Signed at (city) TACOMA, Washington on August 26, 2013.

19 [Signature]
Signature

C. OVEREND-PEARSON
Printed Name
District ONE

21 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
22 correct.

23 Signed at (city) TACOMA, Washington on August 26, 2013.

24 [Signature]
Signature

Ryan Overend
Printed Name
District ONE

25 Declaration of D1 Troopers

1 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
2 correct.

3 Signed at (city) Tacoma, Washington on August 26, 2013.

4 [Signature]
5 Signature

Clint Thomas
Printed Name
District one

6 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
7 correct.

8 Signed at (city) TACOMA, Washington on August 26, 2013.

9 Edward R. Camden
10 Signature

EDWARD R. CAMDEN
Printed Name
District _____

11 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
12 correct.

13 Signed at (city) TACOMA, Washington on August 27, 2013.

14 [Signature]
Signature

William D. Anderson
Printed Name
District i

15 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
16 correct.

17 Signed at (city) TACOMA, Washington on August 27, 2013.

18 [Signature]
19 Signature

RICHARD RIGNOR
Printed Name
District 01

20 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
21 correct.

22 Signed at (city) OLYMPIA, Washington on August 27, 2013.

23 [Signature]
24 Signature

DINO GARCIA
Printed Name
District 01

25 Declaration of D1 Troopers

EXHIBIT F

1
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5 **Superior Court of Washington**
6 **County of SNOHOMISH**

7 **In re:**

8 HEATHER AXTMAN, DEREK ANDERSON, et
9 al.,

10 **Plaintiffs,**

11 **vs.**

12 PHIL MOCEK, MICHAEL MORISY, MITCHELL
13 KOTLER, AND MUCKROCK.COM, and

14 STATE OF WASHINGTON AND
15 WASHINGTON STATE PATROL,

16 **Defendants.**

No.

**Declaration of District 2
Washington State Patrol
Troopers In Support of
Enjoinder**

17 I am competent to testify as to the contents of this declaration and this declaration is offered in
18 support of Plaintiffs' Motion for Temporary Orders and an Enjoinder.

- 19 1. I am a commissioned employee of the Washington State Patrol.
- 20 2. I have been a commissioned employee of the WSP for a minimum of three years.
- 21 3. I am assigned to work in District 2 – Bellevue and am signing this declaration in support of
22 the motion filed in Snohomish County by the District – 7 troopers.
- 23 4. My GPS data has been requested in the public records request that prompted the filing of this
24 motion for an enjoinder.
- 25 5. Commissioned personnel of the Washington State Patrol are issued a patrol vehicle and are
required to park that vehicle at their residences.

Declaration of D2 Troopers

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6. Patrol vehicles of the Washington State Patrol are equipped with GPS receivers. The GPS software generates a track of the location within ten feet.
 7. As a commissioned member of the WSP, I have been issued a patrol vehicle and I am required to park that vehicle at my residence.
 8. Although my primary duty station is located in District 2, the statewide, 24/7 mission of the Washington State Patrol necessitates the "take-home car" polity. The facility parked or "pool-car" system employed by municipalities is unworkable across the vast geography of the state. Troopers, myself included, are routinely "called out" for emergency responses during their off-duty hours. The requirement of having a patrol vehicle parked at our residences enables us to respond immediately. Parking our patrol cars at our respective district offices would turn response times from minutes to hours. As a matter of public safety, this is unacceptable.
 9. Public disclosure of residence locations as indicated by GPS tracking poses a risk to the safety of commissioned personnel and their families.
 10. I find the disclosure of this information highly offensive as defined through RCW 42.56.050. It is not information I would ever disseminate to strangers. See, e.g. *Dawson v. Daly*, 120 Wash.2d 782, 845 P.2d 995 (1993).
 11. I do not know of any legitimate reason members of the public would need to know where a trooper lives. I do not know of any legitimate reason why the Washington State Patrol cannot and should not simply redact the GPS coordinates of the troopers' homes before disclosing the remainder of the GPS data pursuant to a Public Records Request.

Declaration of D2 Troopers

Page 2 of 5/0

Karen Schweigert
Attorney at Law
POB 30727
Spokane, WA 99223
(509) 795-9898

1 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
2 correct.

3 Signed at (city) King County, Washington on August 23, 2013.

4 

5 Signature

CLIFF Roberts

Printed Name

District 2

6 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
7 correct.

8 Signed at (city) KING COUNTY, Washington on August 23, 2013.

9 

10 Signature

S.M. ENGT #427

Printed Name

District 2

11 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
12 correct.

13 Signed at (city) KING COUNTY, Washington on August 24, 2013.

14 

15 Signature

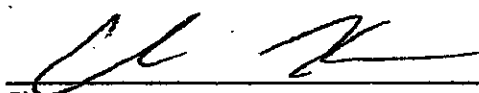
MICHAEL GMELL

Printed Name

District 2

16 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
17 correct.

18 Signed at (city) TUKWILA - KING CO, Washington on August 24, 2013.

19 

20 Signature

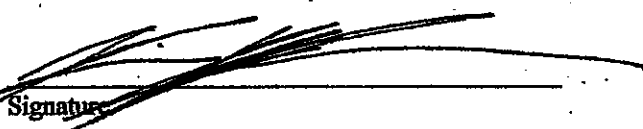
CHRISTOPHER KLUKAS

Printed Name

District 2

21 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
22 correct.

23 Signed at (city) TUKWILA, King County, Washington on August 24, 2013.

24 

25 Signature

KARIM BOUKABOU

Printed Name

District 2

Declaration of D2 Troopers

1 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
2 correct.

3 Signed at (city) TUKWILA, KING COUNTY, Washington on August 25TH, 2013.

4 [Signature]
5 Signature

SEAN CARR
Printed Name
District 02

6 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
7 correct.

8 Signed at (city) KING COUNTY, Washington on August 26TH, 2013.

9 [Signature]
10 Signature

KRISTIAN LYNCH
Printed Name
District 02

11 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
12 correct.

13 Signed at (city) KING COUNTY, Washington on August 26TH, 2013.

14 [Signature]
15 Signature

KEVIN PRATT
Printed Name
District 2

16 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
17 correct.

18 Signed at (city) TUKWILA, KING COUNTY, Washington on August 27TH, 2013.

19 [Signature]
20 Signature

THOMAS THORPE
Printed Name
District 2

21 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
22 correct.

23 Signed at (city) TUKWILA, KING CO. WA, Washington on August 27TH, 2013.

24 [Signature]
25 Signature

CHRISTOPHER POAGUE
Printed Name
District 2

Declaration of D2 Troopers

1 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
2 correct.

3 Signed at (city) Tukwila, King Co, Washington on August 28, 2013.

4 [Signature]
5 Signature

Ron Larrigan
Printed Name
District 2

6 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
7 correct.

8 Signed at (city) Tukwila, Washington on August 29, 2013.

9 [Signature]
Signature

Campbell, S
Printed Name
District 2

10 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
11 correct.

12 Signed at (city) Tukwila, Washington on August 29, 2013.

13 [Signature]
14 Signature

OLOWSKI, KRIS
Printed Name
District 2

15 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
16 correct.

17 Signed at (city) Tukwila, Washington on August 30, 2013.

18 [Signature]
19 Signature

ADAM GRUENER
Printed Name
District 2

20 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
21 correct.

22 Signed at (city) Tukwila, Washington on August 30, 2013.

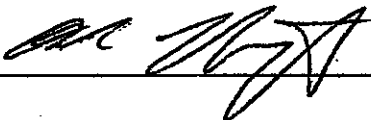
23 [Signature]
24 Signature

Ronald Tuggle
Printed Name
District 2

25 Declaration of D2 Troopers

1 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
2 correct.

3 Signed at (city) SEATTLE, Washington on August 23, 2013.

4 
5 Signature

A HENNINGSEN
6 Printed Name
7 District 2 KING COUNTY

8 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
9 correct.

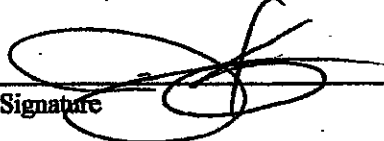
10 Signed at (city) SEATTLE, Washington on August 23, 2013.

11 
12 Signature

J.B. MCCAIN
13 Printed Name
14 District 2 King County

15 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
16 correct.

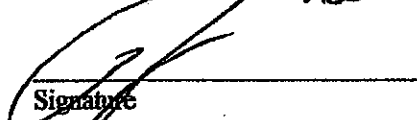
17 Signed at (city) SEATTLE, Washington on August 23, 2013.

18 
19 Signature

J. KRAUS
20 Printed Name
21 District 2 King County

22 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
23 correct.

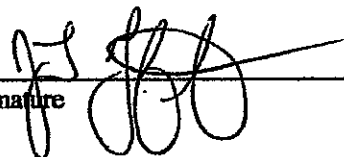
24 Signed at (city) SEATTLE, Washington on August 23, 2013.

25 
Signature

L. Sankens
Printed Name
District 2 King County

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
correct.

Signed at (city) SEATTLE, Washington on August 23, 2013.

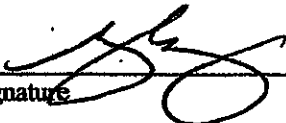

Signature

J.T. GRIFFITH #803
Printed Name
District 2 King Co

Declaration of D2 Troopers

1 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
2 correct.


3 Signed at (city) SEATTLE, Washington on August 23, 2013.

4 
5 Signature

ANGELA C. Klayes
Printed Name
District 2 KING COUNTY

6 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
7 correct.

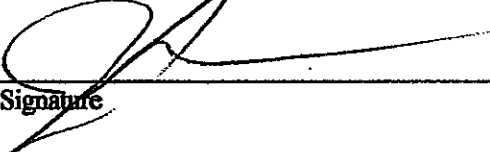
8 Signed at (city) SEATTLE, Washington on August 23, 2013.

9 
10 Signature

NIGEL BOLSON
Printed Name
District 2 KING COUNTY

11 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
12 correct.

13 Signed at (city) SEATTLE, Washington on August 23, 2013.

14 
15 Signature

JON LETFSON
Printed Name
District 02/07

16 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
17 correct.

18 Signed at (city) SEATTLE, Washington on August 23, 2013.

19 
Signature

L. BOHNER
Printed Name
District 02-12

20 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
21 correct.

22 Signed at (city) SEATTLE, Washington on August 23, 2013.

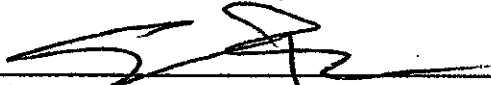
23 
24 Signature

Sidney Creek
Printed Name
District 02

25 Declaration of D2 Troopers

1 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
2 correct.

3 Signed at (city) Seattle, Washington on August 23, 2013.

4
5 Signature 

Printed Name

District

Evan Bacon

2

6 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
7 correct.

8 Signed at (city) Bellevue, Washington on August 23, 2013.

9
10 Signature 

Printed Name

District

DAVID BENNETT

2

11 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
12 correct.

13 Signed at (city) BELLEVUE, Washington on August 23, 2013.

14 Signature 

Printed Name

District

MICHAEL PORTER

2

15 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
16 correct.

17 Signed at (city) BELLEVUE, Washington on August 23, 2013.

18 Signature 

Printed Name

District

Michael Ming

2

20 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
21 correct.

22 Signed at (city) Bellevue, Washington on August 27, 2013.

23 Signature 

Printed Name

District

DAN TENNANT

2

24
25 Declaration of D2 Troopers

Page 7 of 10

Karen Schweigert
Attorney at Law
POB 30727
Spokane, WA 99223
(509) 795-9898

1 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
2 correct.

3 Signed at (city) Belleve, Washington on August 23, 2013.

4 G. N. Campbell
5 Signature

GRANT N. CAMPBELL
6 Printed Name
7 District 2

8 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
9 correct.

10 Signed at (city) BELLEVE, WA, Washington on August 23, 2013.

11 Victor Duncan
12 Signature

VICTOR DUNCAN
13 Printed Name
14 District 2

15 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
16 correct.

17 Signed at (city) BELLEVE, WA, Washington on August 23, 2013.

18 Kayton Dresher
19 Signature

KAYTON DRESHER
20 Printed Name
21 District 2

22 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
23 correct.

24 Signed at (city) Belleve, WA, Washington on August 23, 2013.

25 Mike Conroy
Signature

MIKE CONROY
Printed Name
District 2

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
correct.

Signed at (city) BELLEVE, Washington on August 23, 2013.

Chris Storton
Signature

CHRIS STORTON
Printed Name
District 2

Declaration of D2 Troopers

1 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
2 correct.

3 Signed at (city) BELLEVUE, Washington on August 24, 2013.

4 [Signature]
5 Signature

CLARK JONES
Printed Name
District 02

6 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
7 correct.

8 Signed at (city) Bellevue, Washington on August 26, 2013.

9 [Signature]
10 Signature

Stacy Hoate
Printed Name
District 02

11 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
12 correct.

13 Signed at (city) BELLEVUE, Washington on August 28, 2013.

14 [Signature]
Signature

PHILIP JAMES
Printed Name
District 02

15 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
16 correct.

17 Signed at (city) Bellevue, Washington on August 29, 2013.

18 [Signature]
19 Signature

Scott Genoway
Printed Name
District 2

20 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
21 correct.

22 Signed at (city) Bellevue, Washington on August 29, 2013.

23 [Signature]
24 Signature

James Correll
Printed Name
District 02

25 Declaration of D2 Troopers

1 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
2 correct.

3 Signed at (city) SEATTLE, Washington on August 22, 2013.

4
5 Signature

JAMES ARNOLD
Printed Name
District 2

6 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
7 correct.

8 Signed at (city) SEATTLE, Washington on August 23, 2013.

9
10 Signature

JASON MCKINLEY
Printed Name
District 2

11 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
12 correct.

13 Signed at (city) SEATTLE, Washington on August 23, 2013.

14
15 Signature

MATTHEW KORN
Printed Name
District 2

16 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
17 correct.

18 Signed at (city) SEATTLE, Washington on August 26, 2013.

19
20 Signature

CASEY L. MYERS
Printed Name
District 2

21 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
22 correct.

23 Signed at (city) SEATTLE, Washington on August 28, 2013.

24
25 Signature

DOMINIC F. LEDESMA
Printed Name
District 2

Declaration of D2 Troopers

EXHIBIT F

Superior Court of Washington
County of SNOHOMISH

In re:

HEATHER AXTMAN, DEREK ANDERSON, et
al.,

Plaintiffs,

vs.

PHIL MOCEK,
STATE OF WASHINGTON AND
WASHINGTON STATE PATROL

Defendants.

No.

**Declaration of District 3
Washington State Patrol
Troopers In Support of
Enjoinder**

I am competent to testify as to the contents of this declaration and this declaration is offered in support of Plaintiffs' Motion for Temporary Orders and an Enjoinder.

1. I am a commissioned employee of the Washington State Patrol.
2. I have been a commissioned employee of the WSP for a minimum of three years.
3. I am assigned to work in District 3 – Yakima and am signing this declaration in support of the motion filed in Snohomish County by the District – 7 troopers.
4. My GPS data has been requested in the public records request that prompted the filing of this motion for an enjoinder.
5. Commissioned personnel of the Washington State Patrol are issued a patrol vehicle and are required to park that vehicle at their residences.

Declaration of D3 Troopers

- 1 6. Patrol vehicles of the Washington State Patrol are equipped with GPS receivers. The GPS
2 software generates a track of the location within ten feet.
- 3
- 4 7. As a commissioned member of the WSP, I have been issued a patrol vehicle and I am
5 required to park that vehicle at my residence.
- 6 8. Although my primary duty station is located in District 3, the statewide, 24/7 mission of the
7 Washington State Patrol necessitates the "take-home car" polity. The facility parked or
8 "pool-car" system employed by municipalities is unworkable across the vast geography of
9 the state. Troopers, myself included, are routinely "called out" for emergency responses
10 during their off-duty hours. The requirement of having a patrol vehicle parked at our
11 residences enables us to respond immediately. Parking our patrol cars at our respective
12 district offices would turn response times from minutes to hours. As a matter of public
13 safety, this is unacceptable.
- 14
- 15 9. Public disclosure of residence locations as indicated by GPS tracking poses a risk to the
16 safety of commissioned personnel and their families.
- 17 10. I find the disclosure of this information highly offensive as defined through RCW 42.56.050.
18 It is not information I would ever disseminate to strangers. See, e.g. *Dawson v. Daly*, 120
19 Wash.2d 782, 845 P.2d 995 (1993).
- 20 11. I do not know of any legitimate reason members of the public would need to know where a
21 trooper lives. I do not know of any legitimate reason why the Washington State Patrol
22 cannot and should not simply redact the GPS coordinates of the troopers' homes before
23 disclosing the remainder of the GPS data pursuant to a Public Records Request.
- 24

25 Declaration of D3 Troopers

Page 2 of 5

Karen Schweigert
Attorney at Law
POB 30727
Spokane, WA 99223
(509) 795-9898

1 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
2 correct.

3 Signed at (city) Union Gap, Washington on August 26, 2013.

4 Todd Haddorff

5 Signature

Todd Haddorff

Printed Name

District 3

6 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
7 correct.

8 Signed at (city) Union Gap, Washington on August 26, 2013.

9 Ryan A. Saub

10 Signature

Ryan A. Saub

Printed Name

District 3

11 ~~I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
12 correct.~~

13 ~~Signed at (city) Union Gap, Washington on August 26, 2013.~~

14 ~~[Signature]~~

Signature

~~[Signature]~~

Printed Name

District 3

16 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
17 correct.

18 Signed at (city) Union Gap, Washington on August 26, 2013.

19 William Rutherford

Signature

William RUTHERFORD

Printed Name

District 10

21 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
22 correct.

23 Signed at (city) Union Gap, Washington on August 26, 2013.

24 [Signature]

Signature

Patrick Ditter

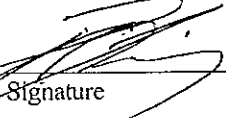
Printed Name

District 3

25 Declaration of D3 Troopers

1 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
2 correct.

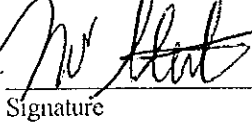
3 Signed at (city) Union Gap, Washington on August 27, 2013.

4 
5 Signature

F. L. Lockwood
6 Printed Name
7 District 3/2

8 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
9 correct.

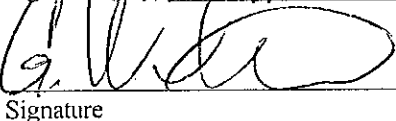
10 Signed at (city) Union Gap, Washington on August 27, 2013.

11 
12 Signature

M. STERKE
13 Printed Name
14 District 3/57

15 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
16 correct.

17 Signed at (city) Union Gap, Washington on August _____, 2013.

18 
19 Signature

GARY WILSON
20 Printed Name
21 District _____

22 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
23 correct.

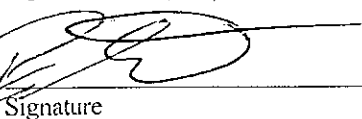
24 Signed at (city) Union Gap, Washington on August 27, 2013.

25 
Signature

C. J. GOCHA
Printed Name
District 3

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at (city) Takoma, Washington on August 27, 2013.

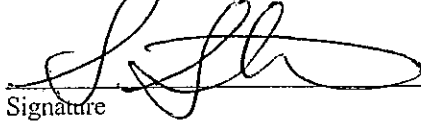

Signature

P. L. Lockwood
Printed Name
District 3

Declaration of D3 Troopers

1 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
2 correct.

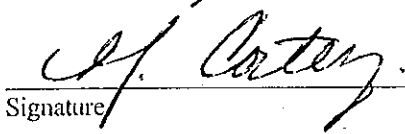
3 Signed at (city) YAKIMA, Washington on August 27, 2013.

4 
5 Signature

SARAH STORMS
Printed Name
District 03

6 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
7 correct.

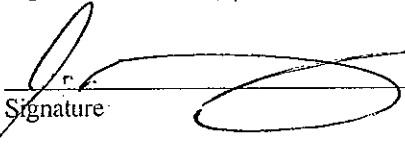
8 Signed at (city) YAKIMA, Washington on August 27, 2013.

9 
10 Signature

JOSE M. CORTAZ
Printed Name
District 03

11 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
12 correct.

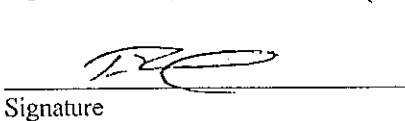
13 Signed at (city) YAKIMA, Washington on August 27, 2013.

14 
Signature

JASON D. BARRY
Printed Name
District 03

15 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
16 correct.

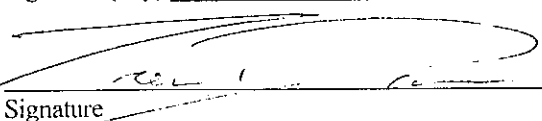
17 Signed at (city) YAKIMA, Washington on August 27, 2013.

18 
19 Signature

Trevor Hemm
Printed Name
District 03

20 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
21 correct.

22 Signed at (city) YAKIMA, Washington on August 27, 2013.

23 
24 Signature

T.W. DOWNEY
Printed Name
District 0313

25 Declaration of D3 Troopers

EXHIBIT G

Superior Court of Washington
County of SNOHOMISH

In re:

HEATHER AXTMAN, DEREK ANDERSON, et
al.,

Plaintiffs,

vs.

PHIL MOCEK,
STATE OF WASHINGTON AND
WASHINGTON STATE PATROL

Defendants.

No.

**Declaration of District 4
Washington State Patrol
Troopers In Support of
Enjoinder**

I am competent to testify as to the contents of this declaration and this declaration is offered in support of Plaintiffs' Motion for Temporary Orders and an Enjoinder.

1. I am a commissioned employee of the Washington State Patrol.
2. I have been a commissioned employee of the WSP for a minimum of three years.
3. I am assigned to work in District 4 –Spokane and am signing this declaration in support of the motion filed in Snohomish County by the District – 7 troopers.
4. My GPS data has been requested in the public records request that prompted the filing of this motion for an enjoinder.
5. Commissioned personnel of the Washington State Patrol are issued a patrol vehicle and are required to park that vehicle at their residences.

Declaration of D4 Troopers

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6. Patrol vehicles of the Washington State Patrol are equipped with GPS receivers. The GPS software generates a track of the location within ten feet.
 7. As a commissioned member of the WSP, I have been issued a patrol vehicle and I am required to park that vehicle at my residence.
 8. Although my primary duty station is located in Spokane County, the statewide, 24/7 mission of the Washington State Patrol necessitates the "take-home car" policy. The facility parked or "pool-car" system employed by municipalities is unworkable across the vast geography of the state. Troopers, myself included, are routinely "called out" for emergency responses during their off-duty hours. The requirement of having a patrol vehicle parked at our residences enables us to respond immediately. Parking our patrol cars at our respective district offices would turn response times from minutes to hours. As a matter of public safety, this is unacceptable.
 9. Public disclosure of residence locations as indicated by GPS tracking poses a risk to the safety of commissioned personnel and their families.
 10. I find the disclosure of this information highly offensive as defined through RCW 42.56.050. It is not information I would ever disseminate to strangers. See, e.g. *Dawson v. Daly*, 120 Wash.2d 782, 845 P.2d 995 (1993).
 11. I do not know of any legitimate reason members of the public would need to know where a trooper lives. I do not know of any legitimate reason why the Washington State Patrol cannot and should not simply redact the GPS coordinates of the troopers' homes before disclosing the remainder of the GPS data pursuant to a Public Records Request.

Declaration of D4 Troopers

Page 2 of 10

Karen Schweigert
Attorney at Law
POB 30727
Spokane, WA 99223
(509) 795-9898

1 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
2 correct.

3 Signed at (city) Spokane, Washington on August 22, 2013.

4 Gerald Wier
5 Signature

GERALD WIER
Printed Name
District 04

6 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
7 correct.

8 Signed at (city) Spokane, Washington on August 22, 2013.

9 [Signature]
10 Signature

JOE LEIBRECHT
Printed Name
District 4

11 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
12 correct.

13 Signed at (city) Spokane, Washington on August 22, 2013.

14 Mark A. Hms
15 Signature

Mark A. Hms
M.A. Hms
Printed Name
District 4

16 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
17 correct.

18 Signed at (city) Spokane, Washington on August 22, 2013.

19 [Signature]
Signature

Eugenio Trevino
Printed Name
District 4

20 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
21 correct.

22 Signed at (city) Spokane, Washington on August 22, 2013.

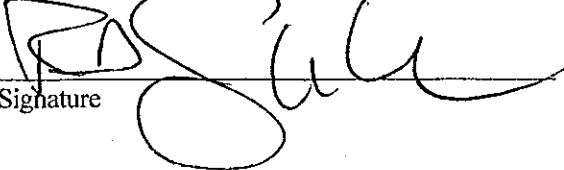
23 TE SH
24 Signature

THOMAS E. SHIRKY
Printed Name
District 4

25 Declaration of D4 Troopers

1 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
2 correct.


3 Signed at (city) SPOKANE, Washington on August 22, 2013.

4 
5 Signature

R.D. SNOWDEN
6 Printed Name
7 District 4

8 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
9 correct.

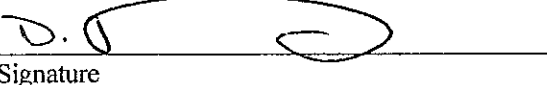
10 Signed at (city) SPOKANE, Washington on August 22, 2013.

11 
12 Signature

G.S. RODELL
13 Printed Name
14 District 4

15 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
16 correct.

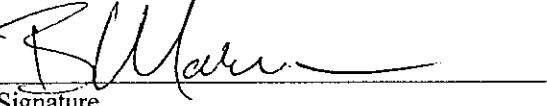
17 Signed at (city) SPOKANE, Washington on August 22, 2013.

18 
19 Signature

D.J. THURT
20 Printed Name
21 District 4

22 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
23 correct.

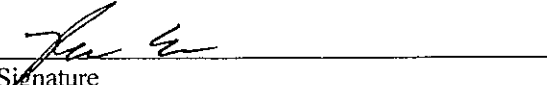
24 Signed at (city) SPOKANE, Washington on August 22, 2013.

25 
Signature

B. MARCUS
Printed Name
District 4

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
correct.

Signed at (city) SPOKANE, Washington on August 23, 2013.



Signature

RUSSELL SANDERS
Printed Name
District 4

Declaration of D4 Troopers

1 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
2 correct.

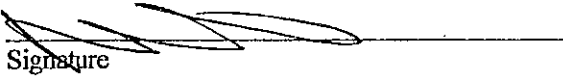
3 Signed at (city) SPOKANE, Washington on August 22, 2013.

4 
5 Signature

SCOTT DAVIS
6 Printed Name
7 District 4

8 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
9 correct.


10 Signed at (city) SPOKANE, Washington on August 23, 2013.

11 
12 Signature

Douglas A Goldsmith 2s 100)
13 Printed Name
14 District 4

15 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
16 correct.

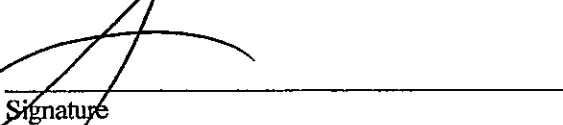
17 Signed at (city) SPOKANE, Washington on August 23, 2013.

18 
19 Signature

SCOTT L. LASHER
20 Printed Name
21 District 4

22 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
23 correct.

24 Signed at (city) SPOKANE, Washington on August 23, 2013.

25 
Signature

JASON R. BAIZT
Printed Name
District 4

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
correct.

Signed at (city) Spokane, Washington on August 23, 2013.


Signature

Jason Davis
Printed Name
District 4

Declaration of D4 Troopers

1 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
2 correct.

3 Signed at (city) SPOKANE, Washington on August 23, 2013.

4 Robert B. Pelleberg
5 Signature

Robert B. Pelleberg
Printed Name
District 4

6 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
7 correct.

8 Signed at (city) SPOKANE, Washington on August 24, 2013.

9 Robert A. Spencer
Signature

ROBERT A. SPENCER
Printed Name
District 4

10 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
11 correct.

12 Signed at (city) SPOKANE, Washington on August 24, 2013.

13 Mark H. Hyer
14 Signature

MARK H HYER
Printed Name
District 4

15 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
16 correct.

17 Signed at (city) Spokane, Washington on August 24, 2013.

18 Jeffrey T. Evers
19 Signature

Jeffrey T Evers
Printed Name
District 4

20 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
21 correct.

22 Signed at (city) SPOKANE, Washington on August 24, 2013.

23 John L. Mendenhall
24 Signature

JOHN L. MENDENHALL
Printed Name
District 4

25 Declaration of D4 Troopers

1 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
2 correct.

3 Signed at (city) SPOKANE, Washington on August 25, 2013.

4 Terry Van Weerdhuizen
5 Signature

TERRY VAN WEERDHUIZEN
Printed Name
District 4

6 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
7 correct.

8 Signed at (city) SPOKANE, Washington on August 26, 2013.

9 Wayne Turner
Signature

Wayne Turner
Printed Name
District 4

10 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
11 correct.

12 Signed at (city) SPOKANE, Washington on August 26, 2013.

13 Robert L. Battling, Jr.
14 Signature

ROBERT L. BATTLE, JR.
Printed Name
District 4

15 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
16 correct.

17 Signed at (city) SPOKANE, Washington on August 26, 2013.

18 R.B. Fiorentino
Signature

R.B. FIORENTINO
Printed Name
District 4

20 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
21 correct.

22 Signed at (city) SPOKANE, Washington on August 27, 2013.

23 Nick Gerard
Signature

NICK GERARD
Printed Name
District 4

25 Declaration of D4 Troopers

1 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
2 correct.

3 Signed at (city) SPOKANE, Washington on August 27, 2013.

4 [Signature]
5 Signature

K. A. CLARK
Printed Name
District 4

6 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
7 correct.

8 Signed at (city) SPOKANE, Washington on August 27, 2013.

9 [Signature]
10 Signature

KYLE WITT
Printed Name
District 4

11 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
12 correct.

13 Signed at (city) SPOKANE, Washington on August 27, 2013.

14 [Signature]
Signature

Douglas R. Lux
Printed Name
District 4

15 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
16 correct.

17 Signed at (city) SPOKANE, Washington on August 28, 2013.

18 [Signature]
19 Signature

Greg A. Birkeland
Printed Name
District 4

20 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
21 correct.

22 Signed at (city) SPOKANE, Washington on August 28, 2013.

23 [Signature]
24 Signature

Robert A. Nuack
Printed Name
District 4

25 Declaration of D4 Troopers

1 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
2 correct.

3 Signed at (city) Spokane, Washington on August 28, 2013.

4
5 Signature

Bruce Blood
Printed Name

District 4

6 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
7 correct.

8 Signed at (city) Spokane, Washington on August 28, 2013.

9
10 Signature

Robert V. Auer
Printed Name

District

11 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
12 correct.

13 Signed at (city) Spokane, Washington on August 28, 2013.

14 Signature

Antonio Olivas
Printed Name

District 4

15 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
16 correct.

17 Signed at (city) Spokane, Washington on August 29, 2013.

18
19 Signature

LEWIS STEVENS
Printed Name

District 4

20 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
21 correct.

22 Signed at (city) Spokane, Washington on August 29, 2013.

23
24 Signature

MORGAN MIZHAFF
Printed Name

District 4

25 Declaration of D4 Troopers

1 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
2 correct.

3 Signed at (city) Spokane, Washington on August 29, 2013.

4 Tim W

5 Signature

Tim Gorkins

Printed Name

District 4

6 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
7 correct.

8 Signed at (city) Spokane, Washington on August 29, 2013.

9 David S. Pichette

Signature

DAVID S. PICHETTE

Printed Name

District 4

10 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
11 correct.

12 Signed at (city) SPOKANE, Washington on August 30, 2013.

13 Courtney Shawley

Signature

COURTNEY SHAWLEY

Printed Name

District 4

15 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
16 correct.

17 Signed at (city) Spokane, Washington on ~~August~~ September 2, 2013.

18 Randy Elkins

Signature

Randy Elkins

Printed Name

District 4

20 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
21 correct.

22 Signed at (city) SPOKANE, Washington on ~~August~~ SEPTEMBER 2nd, 2013.

23 C.D. Kinder

Signature

C.D. KINDER

Printed Name

District 4

25 Declaration of D4 Troopers

EXHIBIT H

1
2
3
4
5 **Superior Court of Washington**
6 **County of SNOHOMISH**

7 **In re:**

8 HEATHER AXTMAN, DEREK ANDERSON, et
9 al.,

10 **Plaintiffs,**

11 **vs.**

12 PHIL MOCEK,
13 STATE OF WASHINGTON AND
14 WASHINGTON STATE PATROL

15 **Defendants.**

No.

**Declaration of District 5
Washington State Patrol
Troopers In Support of
Enjoinder**

16 I am competent to testify as to the contents of this declaration and this declaration is offered in
17 support of Plaintiffs' Motion for Temporary Orders and an Enjoinder.

- 18 1. I am a commissioned employee of the Washington State Patrol.
- 19 2. I have been a commissioned employee of the WSP for a minimum of three years.
- 20 3. I am assigned to work in District 5 –Vancouver and am signing this declaration in support of
21 the motion filed in Snohomish County by the District – 7 troopers.
- 22 4. My GPS data has been requested in the public records request that prompted the filing of this
23 motion for an enjoinder.
- 24 5. Commissioned personnel of the Washington State Patrol are issued a patrol vehicle and are
25 required to park that vehicle at their residences.

Declaration of D5 Troopers

- 1 6. Patrol vehicles of the Washington State Patrol are equipped with GPS receivers. The GPS
2 software generates a track of the location within ten feet.
- 3
- 4 7. As a commissioned member of the WSP, I have been issued a patrol vehicle and I am
5 required to park that vehicle at my residence.
- 6
- 7 8. Although my primary duty station is located in District 5, the statewide, 24/7 mission of the
8 Washington State Patrol necessitates the "take-home car" policy. The facility parked or
9 "pool-car" system employed by municipalities is unworkable across the vast geography of
10 the state. Troopers, myself included, are routinely "called out" for emergency responses
11 during their off-duty hours. The requirement of having a patrol vehicle parked at our
12 residences enables us to respond immediately. Parking our patrol cars at our respective
13 district offices would turn response times from minutes to hours. As a matter of public
14 safety, this is unacceptable.
- 15
- 16 9. Public disclosure of residence locations as indicated by GPS tracking poses a risk to the
17 safety of commissioned personnel and their families.
- 18
- 19 10. I find the disclosure of this information highly offensive as defined through RCW 42.56.050.
20 It is not information I would ever disseminate to strangers. See, e.g. *Dawson v. Daly*, 120
21 Wash.2d 782, 845 P.2d 995 (1993).
- 22
- 23 11. I do not know of any legitimate reason members of the public would need to know where a
24 trooper lives. I do not know of any legitimate reason why the Washington State Patrol
25 cannot and should not simply redact the GPS coordinates of the troopers' homes before
disclosing the remainder of the GPS data pursuant to a Public Records Request.

Declaration of D5 Troopers

Page 2 of 5

Karen Schweigert
Attorney at Law
POB 30727
Spokane, WA 99223
(509) 795-9898

1 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
2 correct.

3 Signed at (city) Vancouver, Washington on August 27, 2013.

4 Jeffrey Heath
5 Signature

Jeffrey Heath
6 Printed Name
7 District 5

8 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
9 correct.

10 Signed at (city) Vancouver, Washington on August 27, 2013.

11 Bobby M. Clark
12 Signature

Bobby M. Clark
13 Printed Name
14 District 5

15 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
16 correct.

17 Signed at (city) Vancouver, Washington on August 27, 2013.

18 N.A. Jennings
19 Signature

Nicholas A. Jennings
20 Printed Name
21 District 5

22 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
23 correct.

24 Signed at (city) VANCOUVER, Washington on August 27, 2013.

25 Scott P. Barlow
Signature

Scott P. Barlow
Printed Name
District 5

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
correct.

Signed at (city) VANCOUVER, Washington on August 30th, 2013.

Richard Thompson
Signature

RICHARD THOMPSON
Printed Name
District 5

Declaration of D5 Troopers

1 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
2 correct.

3 Signed at (city) Ridgely, Washington on August 27, 2013.

4 Dale H. Richards
5 Signature

Dale H. Richards
Printed Name
District 05-30

6 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
7 correct.

8 Signed at (city) Ridgefield, Washington on August 27, 2013.

9 Pamala Striker
Signature

Pamala Striker
Printed Name
District 5-30

11 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
12 correct.

13 Signed at (city) Ridgefield, Washington on August 27, 2013.

14 Marc Modler
Signature

MARC MODLER
Printed Name
District 10/60

16 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
17 correct.

18 Signed at (city) Ridgefield, Washington on August 27, 2013.

19 Michael V. Nesary
Signature

Michael V. Nesary
Printed Name
District 10/60

20 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
21 correct.

22 Signed at (city) Ridgefield, Washington on August 28, 2013.

23 Don Muros
Signature

Don Muros
Printed Name
District 05/31

25 Declaration of D5 Troopers

1 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
2 correct.

3 Signed at (city) KELSO, Washington on August 31, 2013.

4 [Signature]
5 Signature

STEVEN C JONES
Printed Name
District 5

6 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
7 correct.

8 Signed at (city) LANCUM, Washington on August 31, 2013.

9 [Signature]
10 Signature

[Signature]
Printed Name
District 5

11 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
12 correct.

13 Signed at (city) _____, Washington on August _____, 2013.

14 _____
15 Signature

Printed Name
District _____

16 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
17 correct.

18 Signed at (city) _____, Washington on August _____, 2013.

19 _____
20 Signature

Printed Name
District _____

21 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
22 correct.

23 Signed at (city) _____, Washington on August _____, 2013.

24 _____
25 Signature

Printed Name
District _____

Declaration of D5 Troopers

Page 5 of 5

Karen Schweigert
Attorney at Law
POB 30727
Spokane, WA 99223
(509) 795-9898

EXHIBIT I

1
2
3
4
5 **Superior Court of Washington**
6 **County of SNOHOMISH**

7 **In re:**

8 HEATHER AXTMAN, DEREK ANDERSON, et
9 al.,

10 **Plaintiffs,**

11 **vs.**

12 PHIL MOCEK, MICHAEL MORISY, MITCHELL
13 KOTLER, AND MUCKROCK.COM, and

14 STATE OF WASHINGTON AND
15 WASHINGTON STATE PATROL,

16 **Defendants.**

No.

**Declaration of District 6
Washington State Patrol
Troopers In Support of
Enjoinder**

17 I am competent to testify as to the contents of this declaration and this declaration is offered in
18 support of Plaintiffs' Motion for Temporary Orders and an Enjoinder.

- 19 1. I am a commissioned employee of the Washington State Patrol.
- 20 2. I have been a commissioned employee of the WSP for a minimum of three years.
- 21 3. I am assigned to work in District 6 –Wenatchee and am signing this declaration in support of
22 the motion filed in Snohomish County by the District – 7 troopers.
- 23 4. My GPS data has been requested in the public records request that prompted the filing of this
24 motion for an enjoinder.
- 25 5. Commissioned personnel of the Washington State Patrol are issued a patrol vehicle and are
required to park that vehicle at their residences.

Declaration of D6 Troopers

Page 1 of 5

Karen Schweigert
Attorney at Law
POB 30727
Spokane, WA 99223
(509) 795-9898

- 1 6. Patrol vehicles of the Washington State Patrol are equipped with GPS receivers. The GPS
2 software generates a track of the location within ten feet.
3
4 7. As a commissioned member of the WSP, I have been issued a patrol vehicle and I am
5 required to park that vehicle at my residence.
6
7 8. Although my primary duty station is located in District 6, the statewide, 24/7 mission of the
8 Washington State Patrol necessitates the "take-home car" policy. The facility parked or
9 "pool-car" system employed by municipalities is unworkable across the vast geography of
10 the state. Troopers, myself included, are routinely "called out" for emergency responses
11 during their off-duty hours. The requirement of having a patrol vehicle parked at our
12 residences enables us to respond immediately. Parking our patrol cars at our respective
13 district offices would turn response times from minutes to hours. As a matter of public
14 safety, this is unacceptable.
15
16 9. Public disclosure of residence locations as indicated by GPS tracking poses a risk to the
17 safety of commissioned personnel and their families.
18
19 10. I find the disclosure of this information highly offensive as defined through RCW 42.56.050.
20 It is not information I would ever disseminate to strangers. See, e.g. *Dawson v. Daly*, 120
21 Wash.2d 782, 845 P.2d 995 (1993).
22
23 11. I do not know of any legitimate reason members of the public would need to know where a
24 trooper lives. I do not know of any legitimate reason why the Washington State Patrol
25 cannot and should not simply redact the GPS coordinates of the troopers' homes before
disclosing the remainder of the GPS data pursuant to a Public Records Request.


Declaration of D6 Troopers

Page 2 of 5

Karen Schweigert
Attorney at Law
POB 30727
Spokane, WA 99223
(509) 795-9898

1 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
2 correct.


3 Signed at (city) MOSES LAKE, Washington on August 26, 2013.

4 
5 Signature

TIMOTHY W. STRALTON
6 Printed Name
7 District SIX

8 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
9 correct.

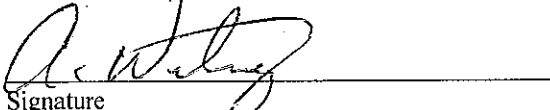
10 Signed at (city) MOSES LAKE, Washington on August 26, 2013.

11 
12 Signature

Spike L. Ulrich
13 Printed Name
14 District SIX

15 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
16 correct.

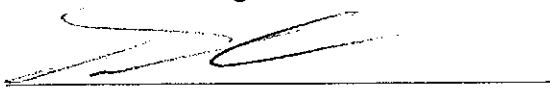
17 Signed at (city) MOSES LAKE, Washington on August 26, 2013.

18 
19 Signature

ANTHONY M. WITNEY
20 Printed Name
21 District SIX

22 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
23 correct.

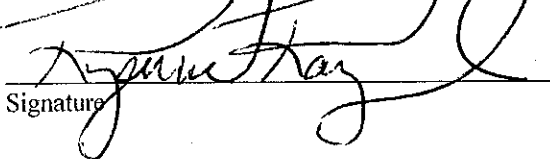
24 Signed at (city) MOSES LK, Washington on August 26, 2013.

25 
Signature

TIM KRON
Printed Name
District 6 SIX

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
correct.

Signed at (city) MOSES LAKE, Washington on August 26, 2013.

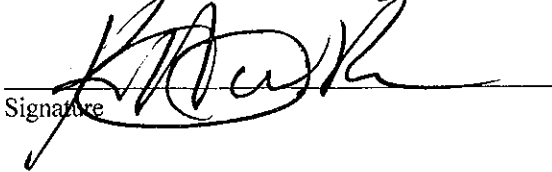

Signature

RYAN W. RAYMOND
Printed Name
District SIX

Declaration of D6 Troopers

1 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
2 correct.

3 Signed at (city) MOSES LAKE, Washington on August 27, 2013.

4 
5 Signature

KENNETH W. ROE
6 Printed Name
7 District SIX

8 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
9 correct.

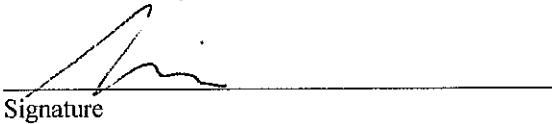
10 Signed at (city) MOSES LAKE, Washington on August 27, 2013.

11 
12 Signature

MATTHEW K. ANDERSEN
13 Printed Name
14 District 6

15 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
16 correct.

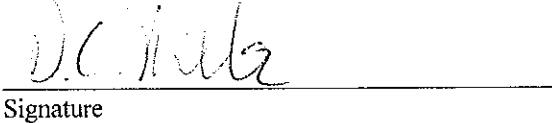
17 Signed at (city) ELLENBURG, Washington on August 29, 2013.

18 
19 Signature

ERIC SEIM
20 Printed Name
21 District 6

22 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
23 correct.

24 Signed at (city) ELLENBURG, Washington on August 29, 2013.

25 
Signature

DANIEL C. NILLES
Printed Name
District 6

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
correct.

Signed at (city) ELLENBURG, Washington on August 29, 2013.



Signature

PAUL CARROU
Printed Name
District 6

Declaration of D6 Troopers

1 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
2 correct.

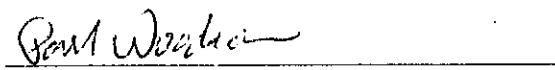
3 Signed at (city) ELLensburg, Washington on August 29, 2013.

4 
5 Signature

MICHAEL R HAUSER
Printed Name
District 6

6 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
7 correct.


8 Signed at (city) ELLensburg, Washington on August 29, 2013.

9 
10 Signature

PAUL WOODSIDE
Printed Name
District 6

11 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
12 correct.

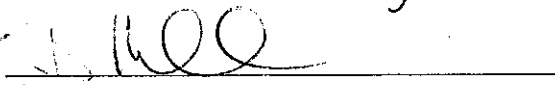
13 Signed at (city) ELLensburg, Washington on August 29, 2013.

14 
Signature

Darren Wright
Printed Name
District 6

15 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
16 correct.

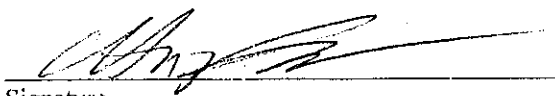
17 Signed at (city) ELLensburg, Washington on August 29, 2013.

18 
19 Signature

Dawn Ferrell
Printed Name
District 6

20 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
21 correct.

22 Signed at (city) ELLensburg, Washington on August 29, 2013.

23 
24 Signature

CHARLES FERRELL
Printed Name
District 6

25 Declaration of D6 Troopers

EXHIBIT J

1
2
3
4
5 **Superior Court of Washington**
6 **County of SNOHOMISH**

7 **In re:**

8 HEATHER AXTMAN, DEREK ANDERSON, et
9 al.,

10 **Plaintiffs,**

11 **vs.**

12 PHIL MOCEK,
13 STATE OF WASHINGTON AND
WASHINGTON STATE PATROL

Defendants.

No.

**Declaration of District 8
Washington State Patrol
Troopers In Support of
Enjoinder**

14 I am competent to testify as to the contents of this declaration and this declaration is offered in
15 support of Plaintiffs' Motion for Temporary Orders and an Enjoinder.

- 16 1. I am a commissioned employee of the Washington State Patrol.
- 17 2. I have been a commissioned employee of the WSP for a minimum of three years.
- 18 3. I am assigned to work in District 8 –Bremerton and am signing this declaration in support of
- 19 the motion filed in Snohomish County by the District – 7 troopers.
- 20 4. My GPS data has been requested in the public records request that prompted the filing of this
- 21 motion for an enjoinder.
- 22 5. Commissioned personnel of the Washington State Patrol are issued a patrol vehicle and are
- 23 required to park that vehicle at their residences.
- 24

25 Declaration of D8 Troopers

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25
6. Patrol vehicles of the Washington State Patrol are equipped with GPS receivers. The GPS software generates a track of the location within ten feet.
 7. As a commissioned member of the WSP, I have been issued a patrol vehicle and I am required to park that vehicle at my residence.
 8. Although my primary duty station is located in District 8, the statewide, 24/7 mission of the Washington State Patrol necessitates the "take-home car" policy. The facility parked or "pool-car" system employed by municipalities is unworkable across the vast geography of the state. Troopers, myself included, are routinely "called out" for emergency responses during their off-duty hours. The requirement of having a patrol vehicle parked at our residences enables us to respond immediately. Parking our patrol cars at our respective district offices would turn response times from minutes to hours. As a matter of public safety, this is unacceptable.
 9. Public disclosure of residence locations as indicated by GPS tracking poses a risk to the safety of commissioned personnel and their families.
 10. I find the disclosure of this information highly offensive as defined through RCW 42.56.050. It is not information I would ever disseminate to strangers. See, e.g. *Dawson v. Daly*, 120 Wash.2d 782, 845 P.2d 995 (1993).
 11. I do not know of any legitimate reason members of the public would need to know where a trooper lives. I do not know of any legitimate reason why the Washington State Patrol cannot and should not simply redact the GPS coordinates of the troopers' homes before disclosing the remainder of the GPS data pursuant to a Public Records Request.

Declaration of D8 Troopers

Page 2 of 5

Karen Schweigert
Attorney at Law
POB 30727
Spokane, WA 99223
(509) 795-9898

1 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
2 correct.

3 Signed at (city) SHELTON, Washington on August 23rd, 2013.

4 John J. Merritt #609
5 Signature

J.J. MERRITT
Printed Name
District 8 BREMERTON

6 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
7 correct.

8 Signed at (city) Shelton, Washington on August 26, 2013.

9 Wally #X787
10 Signature

Wally McQuire
Printed Name
District 8 Bremerton/Shelton

11 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
12 correct.

13 Signed at (city) Shelton, Washington on August 27, 2013.

14 [Signature]
Signature

Andrew Stevens
Printed Name
District 8

16 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
17 correct.

18 Signed at (city) Subway/WA, Washington on August 27, 2013.

19 [Signature] #1181
Signature

J. Doe
Printed Name
District 08/06

21 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
22 correct.

23 Signed at (city) Shelton, Washington on August 27, 2013.

24 [Signature]
Signature

Alfred L. Alderson
Printed Name
District 08 / 10

25 Declaration of D8 Troopers

1 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
2 correct.

3 Signed at (city) Bremerton, Washington on August 23, 2013.

4 
5 Signature

Jermaine Walker
Printed Name
District 8

6 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
7 correct.


8 Signed at (city) BREMERTON, Washington on August 23, 2013.

9 
10 Signature

GABRIEL FLETCHER
Printed Name
District 8

11 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
12 correct.

13 Signed at (city) BREMERTON, Washington on August 26, 2013.

14 
15 Signature

Aaron Bartlett
Printed Name
District 8

16 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
17 correct.

18 Signed at (city) SHELTON, Washington on August 26, 2013.

19 
20 Signature

PAULA SANGER JR
Printed Name
District 8

21 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
22 correct.

23 Signed at (city) BREMERTON, Washington on August 27, 2013.

24 
Signature

CHRISTINE KEARSING
Printed Name
District 8

25 Declaration of D8 Troopers

1 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
2 correct.

3 Signed at (city) PORT ANGELES, Washington on August 23, 2013.

4 [Signature]
5 Signature

JASON FALLON
Printed Name
District 8

6 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
7 correct.

8 Signed at (city) PORT ANGELES, Washington on August 23, 2013.

9 [Signature]
10 Signature

M. G. SIMONSON
Printed Name
District 8

11 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
12 correct.

13 Signed at (city) PORT ANGELES, Washington on August 23, 2013.

14 T.D. Beebe 405
15 Signature

T.D. Beebe
Printed Name
District 8

16 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
17 correct.

18 Signed at (city) Port Angeles, Washington on August 26, 2013.

19 [Signature]
Signature

Eric Tilton
Printed Name
District 8

20 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
21 correct.

22 Signed at (city) _____, Washington on August _____, 2013.


23
24 Signature

Printed Name
District _____

25 Declaration of D8 Troopers

1 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
2 correct.


3 Signed at (city) BREMER TON, Washington on August 31, 2013.

4 
5 Signature

KYLE DAHL
Printed Name
District B

6 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
7 correct.

8 Signed at (city) BREMER TON, Washington on August 31, 2013.

9 
10 Signature

MICHAEL WELANDER
Printed Name
District 8

11 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
12 correct.

13 Signed at (city) BREMER TON, Washington on SEPT 1, 2013.

14 
15 Signature

ALAN DIXON
Printed Name
District 8

16 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
17 correct.

18 Signed at (city) _____, Washington on August _____, 2013.

19 Signature _____

Printed Name _____
District _____

20 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
21 correct.

22 Signed at (city) _____, Washington on August _____, 2013.

23 Signature _____

Printed Name _____
District _____

24 Declaration of D8 Troopers

RECEIVED
SEP 10 2013
PUBLIC DISCLOSURE
SECTION

FILED
SEP 05 2013
SONYA KRASKI
COUNTY CLERK
SNOHOMISH CO. WASH.

Superior Court of Washington
County of Snohomish

In re:

HEATHER AXTMAN, DEREK ANDERSON,
et al.,

Plaintiffs,

vs.

PHIL MOCEK, MICHAEL MORISY,
MITCHELL KOTLER, AND
MUCKROCK.COM, and

STATE OF WASHINGTON AND
WASHINGTON STATE PATROL,

Defendants.

No. 13 2 07242 2

Motion and Declaration
To Serve Via Alternative Service

I. Motion

The Plaintiffs, through counsel, moves the Court for an Order authorizing service by mail.

II. Authority

CR 4(d)(4) and (e)(1), the attached declaration and the files and records herein.

Dated: 9/5/13

Karen Schweigert
Karen Schweigert, WSBA 35642
Attorney for Plaintiffs

III. Declaration

2.1 Service should be made by service via mail because:

Mt and Decl to Serve Via Alternative Service - Page 1 of 4
WPF DRPSCU 01.0280 (6/2006) - RCW 4.28.100; CR 4 (d)(4)

Defendant Phil Mocek, on behalf of MuckRock News/MuckRock.com specifically provided a PO Box in Boston, MA in his public records request rather than a physical address.

A search of Massachusetts Corporations records related to MuckRock only identified one business. The business address for MuckRock LLC is also located in Boston, MA.

Service via mail appears to be the most reliable and efficient manner to serve these out-of-state defendants.

2.2 The moving party has not been able to locate or serve the nonmoving party because:

The Public Records request that serves as the basis for this action was submitted via email. The address provided in the request is a Post Office Box in Boston, Mass, rather than a physical address.

2.3 The facts supporting the above allegations are:

The Public Records request that serves as the basis for this action was submitted via email by a person identifying himself as "Phil Mocek" on behalf of MuckRock.com and/or MuckRock News. See, Exhibit A. Mr. Mocek's July 10, 2013 email provided a mailing address of: MuckRock News; Dept MR 6216; POB 55819; Boston, MA 02205-5819.

A search of Commonwealth of Massachusetts corporations using "Phil Mocek" did not locate any businesses.

A search using "MockRock" located MockRock LLC. See Exhibit B. The name "Phil Mocek" does not appear anywhere on the Business Entity Summary. The managers of MockRock LLC are identified as Michael Morisy and Mitchell Kotler. Its business address is identified as 135 Morrissey Blvd, Boston, MA 02205.

2.4 The following efforts were made to locate the nonmoving party for personal service:

No efforts were made to locate the nonmoving party because the nonmoving party is not required to provide his true identity or affiliations when making a public records request. Requesters are allowed to use pseudonyms and are not required to provide any information about their affiliations. This request was made via email. And the requester provided a non-physical address.

The enjoinder is being sought against the State of Washington/Washington State Patrol. Mr. Mocek, MuckRock and the managers of MuckRock LLC are defendants only as a


result of the WSP's intention to release data related to employees' home addresses. No enjoinder is being sought against individuals associated with MuckRock. Their status as defendants is for notification purposes based on their status or potential status as interested parties.

Mr. Mocek's decision to withhold a physical address should be respected and service by mail should be permitted.

- 2.5 Service by mailing is more likely to provide actual notice than service by publication.
- 2.6 Service should be sent to the following addresses: MuckRock News; DEPT MR 6216, POB 55819, Boston, MA 02205-5819 and MuckRock LLC, 135 Morrissey Blvd, Boston, MA 02205
- 2.7 This POB address is: The address provided in the Public Records request. The second address is the business address of MuckRock LLC.
- 2.8 Other:

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at Everett, [City] WA [State] on 9/5/13 [Date].



Karen Schweigert, WSBA 35642
Attorney for Plaintiffs

IV. Argument

CR 4(d)(4) states:

In circumstances justifying service by publication, if the serving party files an affidavit stating facts from which the court determines that service by mail is just as likely to give actual notice as service by publication, the court may order that service be made by any person over 18 years of age, who is competent to be a witness, other than a party, by mailing copies of the summons and other process to the party to be served at his last known address or any other address determined by the court to be appropriate.

CR 4(e)(1) states:

Whenever a statute or an order of court thereunder provides for service of a summons, or of a notice, or of an order in lieu of summons upon a party not an

inhabitant of or not found within the state, service may be made under the circumstances and in the manner prescribed by the statute or order, or if there is no provision prescribing the manner of service, in a manner prescribed by this rule.

The Plaintiffs are attempting to secure an enjoinder against the State of Washington/Washington State Patrol. The Plaintiffs are not attempting to take any action against the other named defendants. The other defendants are named because they are interested parties who are entitled to notice of this action. ^{See, Burt v. Department of Corrections, 168 Wn.2d 828, 23 P.3d 191 (2010)} Phil Mocek did not provide a physical address in his public records request and he is not required to provide a physical address.

Where an individual who has submitted a public records request has not provided a physical address, service should be accomplished via an alternative to personal service so as to accord the requester as much privacy as possible.

Dated: 9/5/13



Karen Schweigert, WSBA 35642
Attorney for Plaintiffs

EXHIBIT A

From: [Webmaster - Pub Rec Reqts](#)
To: [Dolan, Gretchen \(WSP\)](#);
Subject: FW: Freedom of Information Request: Automatic vehicle location database (Washington State Patrol)
Date: Wednesday, July 10, 2013 12:40:07 PM

-----Original Message-----

From: 6216-17854260@requests.muckrock.com [<mailto:6216-17854260@requests.muckrock.com>]
Sent: Wednesday, July 10, 2013 12:29 PM
To: Webmaster - Pub Rec Reqts
Subject: Freedom of Information Request: Automatic vehicle location database (Washington State Patrol)

July 10, 2013
Washington State Patrol
WSP Public Records Manager
PO BOX 42631
OLYMPIA WA 98504-2631

To Whom It May Concern:

Pursuant to RCW Ch. 42.56 (Public Records Act), I hereby request the following records:

Full and complete database of automatic vehicle location (AVL) data in its native electronic format, with related metadata, including database schema.

I also request that, if appropriate, fees be waived as I believe this request is in the public interest. The requested documents will be made available to the general public free of charge as part of the public information service at MuckRock.com, processed by a representative of the news media/press and is made in the process of news gathering and not for commercial usage.

In the event that fees cannot be waived, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 5 business days, as the statute requires.

Sincerely,

Phil Mocek

Filed via MuckRock.com
E-mail (Preferred): 6216-17854260@requests.muckrock.com

For mailed responses, please address (see note):
MuckRock News
DEPT MR 6216
PO Box 55819
Boston, MA 02205-5819

PLEASE NOTE the new address as well as the fact that improperly addressed (i.e., with the requester's name rather than MuckRock News) requests might be returned by the USPS as undeliverable.

EXHIBIT B

[HOME](#)[DIRECTIONS](#)[CONTACT US](#)

Corporations Division

Business Entity Summary

ID Number: 001047009

[Request certificate](#)[New search](#)

Summary for: MUCKROCK, LLC

The exact name of the Domestic Limited Liability Company (LLC): MUCKROCK, LLC		
Entity type: Domestic Limited Liability Company (LLC)		
Identification Number: 001047009		
Date of Organization in Massachusetts: 02-22-2011		
Last date certain:		
The location or address where the records are maintained (A PO box is not a valid location or address):		
Address: 135 MORRISSEY BOULEVARD		
City or town, State, Zip code, Country: BOSTON, MA 02205 USA		
The name and address of the Resident Agent:		
Name: MICHAEL MORISY		
Address: 185 BEACON ST. 33		
City or town, State, Zip code, Country: SOMERVILLE, MA 02143 USA		
The name and business address of each Manager:		
Title	Individual name	Address
MANAGER	MICHAEL MORISY	135 MORRISSEY BOULEVARD BOSTON, MA 02205 USA
MANAGER	MITCHELL KOTLER	135 MORRISSEY BOULEVARD BOSTON, MA 02205 USA
In addition to the manager(s), the name and business address of the person(s) authorized to execute documents to be filed with the Corporations Division:		
Title	Individual name	Address
SOC SIGNATORY	MICHAEL MORISY	135 MORRISSEY BOULEVARD BOSTON, MA 02205 USA
SOC SIGNATORY	MITCHELL KOTLER	135 MORRISSEY BOULEVARD BOSTON, MA 02205 USA
The name and business address of the person(s) authorized to execute, acknowledge, deliver, and record any recordable instrument purporting to affect an interest in real property:		
Title	Individual name	Address
REAL PROPERTY	MICHAEL MORISY	135 MORRISSEY BOULEVARD BOSTON, MA 02205 USA
REAL PROPERTY	MITCHELL KOTLER	135 MORRISSEY BOULEVARD BOSTON, MA 02205 USA
Consent	Confidential Data	Merger Allowed
Manufacturing		
View filings for this business entity:		
<div> <div>ALL FILINGS</div> <div> Annual Report Annual Report - Professional Articles of Entity Conversion Certificate of Amendment Certificate of Cancellation </div> </div>		
View filings		
Comments or notes associated with this business entity:		

New search

William Francis Galvin, Secretary of the Commonwealth of Massachusetts

[Terms and Conditions](#)

RECEIVED
SEP 10 2013
PUBLIC DISCLOSURE
SECTION

FILED
SEP 05 2013
SONYA KRASKI
COUNTY CLERK
SNOHOMISH CO. WASH.

**Superior Court of Washington
County of Snohomish**

HEATHER AXTMAN, DEREK ANDERSON,
et al.,

Plaintiffs,

vs.

PHIL MOCEK, MICHAEL MORISY,
MITCHELL KOTLER, AND
MUCKROCK.COM, and

STATE OF WASHINGTON AND
WASHINGTON STATE PATROL,

Defendants.

No. **13 2 07242 2**

**Summons by Mail
(SM)**

To the Defendants:

1. The plaintiffs have started an action in the above court requesting: An Order Enjoining the Release of GPS data that corresponds to the residential addresses of WSP employees
2. You must respond to this summons by serving a copy of your written response on the attorney signing this summons and by filing the original with the clerk of the court. If you do not serve your written response within 90 days from the date of mailing of this summons (90 days after the 5th day of September, 20 13), the court may enter an order of default against you, and the court may, without further notice to you, approve or provide for the relief requested in the petition. In the case of a dissolution, the court will not enter the final decree until at least 90 days after service and filing. If you serve a notice of appearance on the undersigned person, you are entitled to notice before an order of default or a decree may be entered.
3. Your written response to the summons and petition must be on a Washington State Court form:

Information about how to get this form may be obtained by contacting the clerk of the court, by contacting the Administrative Office of the Courts at (360) 705-5328, or from the Internet at the Washington State Courts homepage:

<http://www.courts.wa.gov/forms>

4. If this action has not been filed with the court, you may demand that the plaintiffs file this action with the court. If you do so, the demand must be in writing and must be served upon the person publishing this summons. Within 14 days after you serve the demand, the plaintiffs must file this action with the court, or the service on you of this summons will be void.
6. If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your written response, if any, may be served on time.
7. One method of serving a copy of your response on the plaintiffs is to send it by certified mail with return receipt requested.

This summons is issued pursuant to RCW 4.28.100 and Superior Court Civil Rule 4.1 of the state of Washington.

Dated: 9/5/13

Karen Schweigert, 35642
Signature of Petitioner or Lawyer/WSBA No.

Karen Schweigert
Print or Type Name

**File original of your response
with the clerk of the court at:**

Serve a copy of your response on:

☒ Plaintiffs' Lawyer

Superior Court
(Name of Court)

3000 Rockefeller Ave
(Address)

Everett, WA 98201

Karen Schweigert
(Name)

POB 30727
(Address)

Spokane, WA 99223

Date Mailed: _____